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THE STATE OF OHIO.

GENERAL AND LOCAL LAWS

AND

JOINT RESOLUTIONS,

PASSED BY THE

SIXTY-FIRST GENERAL ASSEMBLY,

AT THE REGULAR SESSION,

Begun and held at the City of Columbus, January 5, A.D. 1874, and in the 72d Year
of said State.

VOLUME LXXI.

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GENERAL LAWS.

AN ACT

To authorize the Governor to use a stamp in affixing his signature to official papers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor be and he is hereby authorized to sign or affix his signature to any public or official document, deed, or paper required by law to be by him signed, in printers' or other indelible ink, and by means of a stamp or press engraved with and imprinting a fac-simile of his sign manual. And every such document, deed or paper so signed by means aforesaid, shall be as valid to all intents and purposes whatsoever, and shall possess the same properties in every respect, as if signed by him with pen and ink: Provided, that the written signature of the governor shall be required when signed to pardons, commutations of punishment, restorations to citizenship, and to all papers of conveyance or foreclosure, and legal contracts of all descriptions when the state is a party, and to all orders and receipts for public money or other public property.

When governor may use stamp fac-simile of signature.

SEC. 2. That if any person shall use, utter, or publish, or attempt to use, utter or publish, any document, deed, or paper, purporting to be of an official or public character, and to be signed by the governor as aforesaid, knowing such governor's name to have been affixed thereto falsely, and without his authority, with intent to damage, deceive, or defraud any person, body politic or corporate, every such person shall be deemed guilty of forgery, and on conviction thereof shall be punished as provided by law for that offense.

Penalty for fraudulent use of governor's signature.

SEC. 3. That this act shall take effect on its passage, and remain in force and effect until the second Monday in January, 1876, and no longer.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed January 23, 1874.

AN ACT

To amend section seventy of an act entitled "An act to establish a Code of Civil Procedure," passed March 11, 1853, and amended April 3, 1862. (S. & S. Stat., 543.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seventy of the above recited act, as amended April 3, 1862, be so amended as to read as follows:

Service by
publication,
in what
cases allow-
able.

Section 70. Service may be had by publication in either of the following cases:

In actions brought under the forty-fifth and forty-sixth sections of this code, where any or all of the defendants reside out of the state, or where the residence of any defendant is unknown and cannot be ascertained.

In actions brought to establish or set aside a will, where any or all of the defendants reside out of the state, or where the residence of any defendant is unknown, and cannot be ascertained.

In actions brought against a non-resident of this state, or a defendant whose place of residence is unknown, and cannot be ascertained; or a foreign corporation having in this state property or debts owing to them, sought to be taken by any of the provisional remedies, or to be appropriated in any way; or a corporation incorporated under the laws of this state, which has failed to elect officers or appoint an agent upon whom service of summons can be made, as provided for by section sixty-six of this code, and which has no place of doing business in this state.

In actions which relate to, or the subject of which is real or personal property in this state; where any defendant has or claims a lien, or interest, actual or contingent, therein; or the relief demanded consists wholly or partly in excluding him from any interest therein, and such defendant is a non-resident of the state; or a foreign corporation, or where his place of residence is unknown and cannot be ascertained. In actions against executors, administrators or guardians, where the defendant has given bond as such in this state, but at the time of the commencement of the action is a non-resident of the state, or where his place of residence is unknown and cannot be ascertained.

Repeal.

And in all actions where the defendant, being a resident of the state, has departed therefrom, or from the county of his residence, with intent to delay or defraud his creditors, or to avoid the service of summons, or keeps himself concealed therein with like intent.

SEC. 2. This act shall take effect on its passage, and the original section seventy, as amended April 3, 1862, is hereby repealed.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 11, 1874.

AN ACT

Making partial appropriations for the year 1874.

Appropriations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby is appropriated out of any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the following sums, to wit:

GENERAL REVENUE FUND.

For governor's office: contingent expenses, three hundred and seventy-five dollars; salary of executive clerk, three hundred and seventy-five dollars.	Governor's office.
For auditor's office: salaries of clerks, three thousand dollars; contingent expenses, six hundred and seventy-five dollars; attorney's fees in certain cases, five hundred dollars.	Auditor's.
For treasurer's office: salaries of clerks, thirteen hundred dollars; contingent expenses, three hundred and forty dollars and eighty-seven cents; night-watch, two hundred dollars.	Treasurer's.
For secretary of state: Robert Clarke & Co., for 22d volume Ohio state reports, eight hundred and seventy-five dollars; stationery, sixteen thousand dollars; distribution of laws, journals, &c., seven hundred dollars; salaries of clerks, two thousand dollars; contingent expenses, two hundred and fifty dollars.	Secretary's.
For comptroller and superintendent of state house: care of state house and grounds, six hundred and seventy-five dollars; for deficiency in the care of state house and grounds, five hundred dollars; wages of employes, eleven hundred and seventy-five dollars; deficiency in the wages of employes, twelve hundred dollars; heating apparatus, three hundred and seventy-five dollars; for deficiency in heating apparatus, five hundred dollars; gas bills due and gas for lamp posts, seven hundred and sixty-four dollars; salaries of clerks, eight hundred and fifty dollars; contingent expenses, one hundred and twenty-five dollars.	Comptroller's.
For school commissioner: salaries of clerks, seven hundred dollars; contingent expenses, one hundred and eighty-five dollars; deficiency in contingent expense fund, thirty-two dollars and seventy eight cents; traveling expenses, one hundred and twenty five dollars.	School Commissioner's.
For commissioner of railroads and telegraphs: salary of clerk, three hundred and seventy-five dollars; contingent expenses, one hundred dollars; extra clerical services, fifty dollars; deficiency for extra clerical services, fifty dollars.	Railroad Commissioner's.
For supervisor of state printing: state binding, five thousand five hundred dollars; state printing, twelve thousand dollars.	Supervisor of Printing.
For state library: salary of assistant librarian, two hundred and fifty dollars.	State Library.
For board of public works: salaries of members, six hundred dollars; salary of engineers, nine hundred dollars; salary of secretary, three hundred and seventy-five dollars.	Board of Public Works.
For state board of agriculture: encouragement of agriculture and contingent expenses of the office of the board of agriculture, seven hundred and fifty dollars.	Board of Agriculture.
For insurance department: salaries of clerks, fifteen hundred dollars; contingent expenses, six hundred and seventy-five dollars.	Insurance Department.
For law library: contingent expenses, including salary of messenger of court, three hundred dollars.	Law Library.

Adjutant-General.	For adjutant-general: salary, five hundred dollars; salary of clerks, seven hundred and fifty dollars; labor at state arsenal, two hundred and seventy-five dollars.
Attorney-General.	For attorney-general: salary of clerk, one hundred and fifty dollars.
Salaries of State officers.	For salaries of state officers: governor, lieutenant-governor, auditor of state, treasurer of state, secretary of state, comptroller of the treasury, state commissioner of common schools, superintendent of insurance, attorney general, clerk of the supreme court, private secretary of the governor, commissioner of railroads and telegraphs, state librarian, law librarian, and supervisor of public printing and binding, seven thousand seven hundred dollars.
Judiciary.	For judiciary: supreme judges, superior judges and common pleas judges, thirty-nine thousand dollars.
Mileage.	For mileage of county treasurers, eighteen hundred and fifty dollars.
Geological Survey.	For deficiency in geological survey, one thousand dollars.
General assembly.	For the legislature: per diem and mileage of the members of the general assembly, and the per diem of their clerks, assistant clerks, sergeant-at-arms, assistant sergeants-at-arms, messengers, pages, and other employes under the laws and resolutions of the senate and house, seventy thousand dollars; for the expenses of the standing and select committees of both branches of the general assembly, one thousand dollars, to be paid on the order of the chairman of the respective committees, and indorsed by the chairman of the committee on claims of the respective houses.
Constitutional convention.	For the constitutional convention: for the per diem of members, officers, and messengers of the constitutional convention, to be paid on the order of the presiding officer of the convention in accordance with the provisions of law providing for the compensation of said members, officers, and messengers, existing when said members, officers and messengers entered on the discharge of their duties, fifty-two thousand dollars; for contingent expenses of the constitutional convention, to be allowed and paid by the auditor and treasurer of state, on the presentation of proper vouchers certified to be correct by the presiding officer of the convention, fifteen hundred dollars; for the printing of the constitutional convention, to be paid as provided in section 1 of the act entitled an act making appropriations for the fiscal year 1873, and the first quarter of the fiscal year 1874, passed May 5, 1873, seven thousand five hundred dollars.

ASYLUM FUND.

Lunatic asylums.	<p>SEC. 2. That there be and hereby is appropriated out of any money in the treasury to the credit of the asylum fund, and not otherwise appropriated, the following sums, to wit:</p> <p>For Athens lunatic asylum: building account (to complete payment on contract), thirty-five thousand dollars.</p> <p>For northern Ohio lunatic asylum: current expenses, seventeen thousand five hundred dollars; for deficiency in the current expense account, eight thousand dollars; ordinary re-</p>
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pairs, fifteen hundred dollars; officers' salaries, eight hundred and fifty-seven dollars.

For southern Ohio lunatic asylum: current expenses, twenty-five thousand dollars; ordinary repairs, three thousand dollars; salaries of officers, nine hundred and fifty dollars.

For Lucas county insane asylum: deficiency for support of one hundred patients to February 15, 1874, six thousand and three hundred and eight dollars and fifty-seven cents; for support of one hundred patients, six thousand two hundred and forty dollars.

For deaf and dumb asylum: deficiency in current expense account, five thousand five hundred dollars; current expenses, twenty thousand dollars; ordinary repairs, two thousand dollars; deficiency in the ordinary repairs account, one thousand dollars; salaries of officers, four thousand eight hundred and twenty-five dollars; printing department, three hundred and seventy-five dollars.

Deaf and
dumb asy-
lum.

For blind asylum: deficiency in current expense account, five thousand dollars; current expenses, eleven thousand five hundred dollars; salaries of officers, twenty-two hundred and fifty dollars.

Blind asy-
lum.

For idiotic asylum: current expenses, fifteen thousand dollars; salaries of officers, twenty-two hundred and seventy-five dollars.

Idiotic asy-
lum.

For Ohio soldiers' and sailors' orphans' home: current expenses, ten thousand dollars; salaries of officers, three thousand dollars; general repairs, one thousand dollars.

S. & S. Or-
phans' Home.

For Ohio penitentiary: current expenses, twenty thousand dollars; salaries of officers and guards and expenses of directors, sixteen thousand dollars; laying gas-pipes and repairs to gas-works, five thousand dollars; expense of manufacture of gas, two thousand dollars; prosecution and transportation of convicts, eleven thousand dollars.

Peniten-
tiary.

For reform farm school for boys: current expenses, nine thousand dollars; salaries of officers and wages, four thousand dollars; deficiency in salaries of officers, and wages, one thousand dollars; repairs, one thousand dollars.

Reform
school.

For girls' industrial home: current expenses, seven thousand dollars; salaries of officers and teachers, one thousand dollars.

Girls' Home.

For the trustees of benevolent institutions, one thousand dollars; deficiency for trustees of benevolent institutions, six hundred dollars.

Trustees of
benevolent
institutions.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.

EMERY D. POTTER,
President pro tem. of the Senate.

Passed February 14, 1874.

AN ACT

To establish a State Board of Centennial Managers.

Preamble.

WHEREAS, Congress did provide, by an act entitled "An act to provide for celebrating the one hundredth anniversary of American independence by holding an international exhibition of arts, manufactures, and products of the soil and mine, in the city of Philadelphia, and state of Pennsylvania, in the year eighteen hundred and seventy-six," approved March 3d, eighteen hundred and seventy one, for the appointment of commissioners to promote and control the exhibition of the national resources and their development, and the nation's progress in arts which benefit mankind, and to suggest and direct appropriate ceremonies by which the people of the United States may commemorate that memorable and decisive event, the Declaration of American Independence by the Congress of the United Colonies, assembled in the city of Philadelphia, on the fourth day of July, Anno Domini seventeen hundred and seventy-six; and

WHEREAS, The United States centennial commissioners, organized under said act, have recommended the immediate formation of state and territorial representatives, to act with their commissioner and alternate as a state board of centennial managers for each state and territory, upon whom shall devolve the responsibility of organizing the state and securing its thorough representation in the exhibition, in accordance with the rules and regulations for exhibitors adopted by the said commission; therefore,

Governor to
appoint
board of cen-
tennial com-
missioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor is hereby authorized and empowered to appoint five suitable persons, familiar with the resources, arts, products, and capabilities of the state, who, with the United States centennial commissioner and alternate of this state, shall constitute and be the state board of centennial managers for the state of Ohio.

Duties of the
board.

SEC. 2. That upon said state board of centennial managers so constituted shall devolve the responsibility of organizing the state, and of securing its thorough representation in the international exhibition of 1876. It shall also have special charge of the interests of this state and the citizens thereof in matters relating to the exhibition; shall obtain and disseminate information through the state in regard to the exhibition; and generally to supervise such other details relating to the representation of the industries and products of this state as may from time to time be delegated to it under the rules and regulations adopted by the United States centennial commission.

Organization
of board.

SEC. 3. That said state board of centennial managers shall, immediately after their appointment, organize by electing from its own number a president, secretary and treasurer, whose term of office shall be one year and until their successors shall be duly qualified, and adopt such by-laws, rules and regulations for its own government and for the government of its officers as may be deemed expedient:

Provided, the same shall not be inconsistent with any laws of this state or the rules and regulations adopted, or which may hereafter be adopted, by the United States centennial commission; provided, further, the said centennial managers shall receive no compensation for their personal or official services.

SEC. 4. The said state board of centennial managers shall make a report to each session of the legislature, of its operations and such other matters in relation to the exhibition as may be deemed of general interest; and the sum of five thousand dollars is hereby appropriated for the expenses of said board, to be paid on warrants drawn by the president of the board, under resolution thereof, on the treasurer, attested by him, and approved by the governor; and the state treasurer is hereby directed to pay the same on said orders so drawn, attested and approved, out of any money belonging to the general revenue fund not otherwise appropriated. And said board shall make no expenditure and contract no obligation in excess of the amount herein appropriated

Board to report to the legislature

Appropriation.

SEC. 5. This act shall take effect on its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed February 18, 1874.

AN ACT

To amend section forty-seven of an act entitled "An act for the re-organization and maintenance of Common Schools, passed May 1st, 1873. (O. L., Vol. 70, pp. 207 and 208.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section forty-seven of the act for the re-organization and maintenance of common schools, passed May 1st, 1873, be amended so as to read as follows:

Section 47. The said treasurer shall, annually, between the first and tenth day of September, settle with the county auditor for the preceding year, and account to him for all moneys received, from whom and on what account, and the amount paid out for school purposes in his district; the auditor shall examine the vouchers for such payments, and, if satisfied with the correctness thereof, shall certify the same, which certificate shall be prima facie a discharge of such treasurer; and at the expiration of his term of service said treasurer shall deliver over to his successor in office all books and papers, with all moneys or other property in his hands belonging to said district, and also all orders he may have redeemed since his last settlement with the county auditor, and take duplicate receipts of his successor therefor, one of

Treasurer's settlement with auditor.

To deliver books, etc., to successor.

Service by
publication,
in what
cases allow-
able.

Section 70. Service may be had by publication in either of the following cases:-

In actions brought under the forty-fifth and forty-sixth sections of this code, where any or all of the defendants reside out of the state, or where the residence of any defendant is unknown, and cannot be ascertained.

In actions brought to establish or set aside a will, where any or all of the defendants reside out of the state, or where the residence of any defendant is unknown, and cannot be ascertained.

In actions brought against a non-resident of this state, or a defendant whose place of residence is unknown, and cannot be ascertained; or a foreign corporation having in this state property or debts owing to them, sought to be taken by any of the provisional remedies, or to be appropriated in any way; or a corporation incorporated under the laws of this state, which has failed to elect officers or appoint an agent upon whom service of summons can be made, as provided for by section sixty-six of this code, and which has no place of doing business in this state.

In actions which relate to, or the subject of which is real or personal property in this state; where any defendant has or claims a lien, or interest, actual or contingent, therein; or the relief demanded consists wholly or partly in excluding him from any interest therein, and such defendant is a non-resident of the state; or a foreign corporation, or where his place of residence is unknown and cannot be ascertained. In actions against executors, administrators or guardians, where the defendant has given bond as such in this state, but at the time of the commencement of the action is a non-resident of the state, or where his place of residence is unknown and cannot be ascertained.

Repeal.

And in all actions where the defendant, being a resident of the state, has departed therefrom, or from the county of his residence, with intent to delay or defraud his creditors, or to avoid the service of summons, or keeps himself concealed therein with like intent.

SEC. 2. This act shall take effect on its passage, and the original section seventy, as amended April 3, 1862, is hereby repealed.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 11, 1874.

AN ACT

Making partial appropriations for the year 1874.

Appropriations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated out of any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the following sums, to wit:

GENERAL REVENUE FUND.

For governor's office: contingent expenses, three hundred and seventy-five dollars; salary of executive clerk, three hundred and seventy-five dollars.	Governor's office.
For auditor's office: salaries of clerks, three thousand dollars; contingent expenses, six hundred and seventy-five dollars; attorney's fees in certain cases, five hundred dollars.	Auditor's.
For treasurer's office: salaries of clerks, thirteen hundred dollars; contingent expenses, three hundred and forty dollars and eighty-seven cents; night-watch, two hundred dollars.	Treasurer's.
For secretary of state: Robert Clarke & Co., for 22d volume Ohio state reports, eight hundred and seventy-five dollars; stationery, sixteen thousand dollars; distribution of laws, journals, &c., seven hundred dollars; salaries of clerks, two thousand dollars; contingent expenses, two hundred and fifty dollars.	Secretary's.
For comptroller and superintendent of state house: care of state house and grounds, six hundred and seventy-five dollars; for deficiency in the care of state house and grounds, five hundred dollars; wages of employes, eleven hundred and seventy-five dollars; deficiency in the wages of employes, twelve hundred dollars; heating apparatus, three hundred and seventy-five dollars; for deficiency in heating apparatus, five hundred dollars; gas bills due and gas for lamp posts, seven hundred and sixty-four dollars; salaries of clerks, eight hundred and fifty dollars; contingent expenses, one hundred and twenty-five dollars.	Comptroller's.
For school commissioner: salaries of clerks, seven hundred dollars; contingent expenses, one hundred and eighty-five dollars; deficiency in contingent expense fund, thirty-two dollars and seventy eight cents; traveling expenses, one hundred and twenty five dollars.	School Commissioner's.
For commissioner of railroads and telegraphs: salary of clerk, three hundred and seventy-five dollars; contingent expenses, one hundred dollars; extra clerical services, fifty dollars; deficiency for extra clerical services, fifty dollars.	Railroad Commissioner's.
For supervisor of state printing: state binding, five thousand five hundred dollars; state printing, twelve thousand dollars.	Supervisor of Printing.
For state library: salary of assistant librarian, two hundred and fifty dollars.	State Library
For board of public works: salaries of members, six hundred dollars; salary of engineers, nine hundred dollars; salary of secretary, three hundred and seventy-five dollars.	Board of Public Works.
For state board of agriculture: encouragement of agriculture and contingent expenses of the office of the board of agriculture, seven hundred and fifty dollars.	Board of Agriculture.
For insurance department: salaries of clerks, fifteen hundred dollars; contingent expenses, six hundred and seventy-five dollars.	Insurance Department.
For law library: contingent expenses, including salary of messenger of court, three hundred dollars.	Law Library.

AN ACT

To provide for the sufficiency of evidence in certain cases.

What shall
constitute
carnal
knowledge.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever, upon the trial for any offense punishable under the act entitled "An act providing for the punishment of crimes," passed March 7, 1835, (S. & C., 401,); or under the act entitled "An act supplementary to an act providing for the punishment of crimes, passed March 7, 1835," passed April 4, 1859, (S. & C., 452,) it may be necessary to prove carnal knowledge, proof of actual penetration into the body shall be sufficient to constitute such carnal knowledge.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.

ALPHONSO HART,
President of the Senate.

Passed February 26, 1874.

AN ACT

To authorize the Treasurer of State to cancel and return the bonds in his custody, issued by the authority and in pursuance of an act of the General Assembly, entitled an act to authorize counties, cities, incorporated villages and townships to build railroads, and to lease and operate the same; passed April 23, 1872, (O. L., Vol. 69, pages 84-88,) and the acts amendatory thereof, and supplementary thereto, passed March 31, 1873, (O. L., Vol. 70, pages 68-77), and to repeal said several acts.

Duty of
treasurer to
cancel bonds
on demand,
etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That shall it be the duty of the treasurer of state, and he is hereby authorized and required, upon the proper demand, of the respective counties, cities, incorporated villages and townships as the case may be, to cancel and return all bonds in his custody heretofore issued by such counties, cities, incorporated villages or townships, by the authority and in pursuance of an act of the general assembly, entitled an act to authorize counties, cities, incorporated villages and townships to build railroads, and to lease and operate the same, passed April 23, 1872, (O. L., Vol. 69, pages 84-88), and the act amendatory thereof, entitled an act to amend section twelve of an act entitled an act to authorize counties, cities, incorporated villages and townships to build railroads, and to lease and operate the same, passed March 31, 1873, (O. L., Vol. 70, pages 68-69), and the act supplementary thereto, entitled an act to declare, supplement and amend

certain sections of an act entitled an act to authorize counties, cities, incorporated villages and townships to build railroads, and to lease and operate the same, passed March 31, 1873, (O. L., Vol. 70, pages 70-77). Such bonds to be so returned at the proper cost and expense of the respective counties, cities, incorporated villages and townships, to which they may be returned. The treasurer of state shall take proper vouchers upon the re-delivery of said bonds, and record the same upon the register or record of said bonds, kept in his office.

Cost and expenses.

SEC. 2. That each and all of the acts mentioned and recited in this act be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 26, 1874.

AN ACT

To amend an act entitled "An act for the reorganization and maintenance of common schools," passed May 1, 1873. (O. L., Vol. 70, page 195.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section forty-two of the act entitled "An act for the reorganization and maintenance of common schools," passed May 1, 1873, be so amended as to read as follows:

Section 42. Each person elected as a member of a board of education, or elected or appointed to any other office under this act, shall, before entering upon the duties of his office, take an oath or affirmation to support the constitution of the United States and of the state of Ohio, and that he will faithfully perform the duties of his office. The oath or affirmation may be administered by the clerk or any member of the board. A majority of the board of education shall constitute a quorum for the transaction of business; provided, that upon a motion to adopt a resolution authorizing the purchase or sale of property, either real or personal, upon a motion to employ a superintendent, teacher or teachers, janitor or janitors, or other employe or employes, (or to elect or appoint an officer), or upon a motion to pay any debt or claim, it shall be the duty of the clerk of said board to call, publicly, the roll of all the members composing the same, and to enter on the record authorized to be kept, the names of those voting "aye," and the names of those voting "no," and if a majority of all the members of said board shall have voted "aye," then the president shall declare the motion carried, and upon any motion or resolution any member of said board may demand the

Oath of office of members of board of education.

Majority to constitute a quorum.

Vote by yeas and nays on purchase of property, etc.

yeas and nays, and thereupon the clerk of said board shall call the roll and record the names of those voting "aye" and those voting "no." The proceedings of each board of education shall be kept in a book provided for that purpose, and shall be open to the inspection of any resident of the district, or other persons having a legal or official interest in such proceedings.

SEC. 2. That section fifty-nine of said act be so amended as to read as follows :

Commis-
sioners to
cause a levy
in certain
cases.

Section 59. If any board of education shall in any one year fail or refuse to estimate and certify a levy or levies sufficient to provide for the continuance of all the schools in the district for at least twenty-four weeks in the year, or to provide a suitable school-house in each sub-district, it shall be the duty of the county commissioners of the county to which such district belongs, upon being advised and satisfied thereof, to estimate and cause said levy or levies to be made and entered upon the tax duplicate, the same as could have been done upon the estimate and certificate of such board.

SEC. 3. That section seventy-seven of said act be so amended as to read as follows :

Enumera-
tion of youth
of school age.

Section 77. In every district in the state there shall be taken, between the first Monday in September and first Monday in October in each year, an enumeration of all unmarried youth, noting race and sex, between six and twenty-one years of age, resident within the district, and not temporarily there, designating also the number between sixteen and twenty-one years of age, the number residing in the Western Reserve, the Virginia Military District, the United States Military District, and in any original surveyed township or fractional township to which belongs section sixteen, or other land in lieu thereof, or any other lands for the use of schools or any interest in the proceeds of such land ; provided, that in addition to the classified return of all the youths residing in the district, that the aggregate number of youths in the district resident of any adjoining county shall be separately given, if any such there be, and the name of the county in which they reside ; and each person required or employed under this act to take said enumeration, shall be first sworn or affirmed to take said enumeration accurately and truly to the best of his skill and ability ; and when making return of the same to the proper officers, he shall accompany said return by his affidavit duly certified that he has taken and returned said enumeration accurately and truly to the best of his knowledge and belief ; and the officer to whom such return of enumeration is required to be made, is hereby authorized to administer such oath or affirmation, and to take and certify such affidavit. Each person so taking and returning said enumeration shall be allowed by the proper board of education, reasonable compensation for his services, which compensation, in sub districts, shall not exceed two dollars for each person authorized, required or appointed to take and return said enumeration.

Oaths of per-
son taking
enumera-
tion.

Compensa-
tion for ser-
vices.

SEC. 4. That section eighty-three of said act be so amended as to read as follows :

Section 83. No treasurer of a board of education, except in cases otherwise provided for in this act, shall pay out any school money, except on an order signed by the president and countersigned by the clerk of said board. No money shall be paid to the treasurer of a board of education other than that received from the county treasurer, except by the clerk, or upon the order of the clerk of said board, whose duty it shall be to report the amount of such miscellaneous receipts to the auditor of the proper county.

Disbursement of certain school funds.

SEC. 5. That original sections forty-two, fifty-nine, seventy-seven and eighty-three, be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 3, 1874.

AN ACT

To amend an act entitled an act to amend section sixty-two of an act entitled an act to establish a Code of Criminal Procedure for the State of Ohio, passed May 6, 1869; passed January 29, 1873. (O. L., Vol. 70, p. 17.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixty-two of the above recited act be amended so as to read as follows:

Section 62. When any person under recognizance in any criminal prosecution, either to appear and answer, or testify in any court, shall fail to perform the condition of such recognizance, his default shall be recorded, and the recognizance forfeited in open court.

Forfeiture of recognizance.

SEC. 2. That section sixty-two of the act to which this is amendatory is hereby repealed, and this act shall be in force from its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 3, 1874.

AN ACT

To amend an act entitled "An act to prevent and punish the adulteration of Milk and Cheese," passed March 23, 1865 (S. & S., 285), as amended March 14, 1871. (O. L., Vol. 68, p. 39.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the first section of the aforesaid act be so amended as to read as follows:

Penalty for
selling adul-
terated milk,
etc.

Section 1. That whosoever shall knowingly sell to any person or persons, or sell, deliver or carry to be manufactured to any cheese or butter manufactory in this state, any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk, commonly known as "skimmed milk," or shall keep back any part of milk known as "strippings," with intent to defraud, or shall knowingly sell milk the product of a diseased animal or animals, or shall knowingly furnish or deliver such milk, the product of a diseased animal or animals, to any cheese manufactory, to be manufactured into cheese, or shall knowingly sell cheese or butter manufactured from milk the product of a diseased animal or animals, or shall knowingly use any poisonous or deleterious materials in the manufacture of cheese or butter, or shall knowingly keep and render any false account of the weight or quantity of milk furnished at any cheese or butter manufactory to be manufactured into cheese or butter, or sold to the manufacturer with intent to defraud, the owner of said milk so furnished shall, upon conviction thereof, be fined in any sum not less than twenty-five dollars, or be imprisoned in the jail of the county not less than ten nor more than twenty days for each offense, or both, at the discretion of the court, and shall, moreover, be liable in double the amount of damages to the person or persons, firm, association or corporation, upon whom such fraud shall be committed.

SEC. 2. That original section one as amended be and is hereby repealed.

SEC. 3. This act shall be in force and take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.

EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 6, 1874.

AN ACT

To amend section twenty-seven of an act entitled "An act for the reorganization and maintenance of Common Schools," passed May 1, 1873. (Vol. 70 O. L., p. 201.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-seven of said act be so amended as to read as follows :

Local direct-
ors, how
and by whom
elected.

Section 27. There shall be elected by ballot on the second Monday of April annually, by the qualified electors thereof, in each sub-district, one competent person having the qualifications of an elector therein, to be styled local director, who shall hold his office for three years from the first Monday succeeding his election and until his successor is elected and qualified. Said local director, within five days after his elec-

tion, shall take an oath or affirmation to support the constitution of the United States and that of the state of Ohio, and faithfully and impartially to discharge the duties of his office, which oath or affirmation may be administered by any local director of any sub-district of the township, or by the clerk thereof; and it shall be the duty of the clerk of each sub-district to post up written or printed notices in three or more conspicuous places in their respective sub-districts, at least six days prior to the day of election, designating the day and hour of opening and the hour of closing said election.

Oath of office.

Notices of election to be posted by clerk.

SEC. 2. That section twenty-seven of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 6, 1874.

AN ACT

To enable Manufacturing Companies to capitalize their debts by increasing their capital stock and creating preference shares, and to repeal the act passed April 11, 1862. (S. & S., page 168.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any manufacturing company heretofore or hereafter incorporated under any law of this state may, for the purpose of capitalizing its debts only into stock in said company, and upon a vote in favor thereof of at least three-fourths the interest of its stockholders represented at a meeting called for that purpose by its directors, or a majority in interest of its stockholders, upon sixty days' notice given in some newspaper published in the county where the principal office of such corporation is located, or if there be no newspaper printed therein, then in some newspaper printed in this state and in general circulation in such county, (and by forwarding by mail to each stockholder of said company a copy of said notice on its first publication), may increase its capital stock to an amount not exceeding its debts at the time of such increase, and may make such increase to consist of shares entitling the holders thereof to a dividend not exceeding ten per cent. per annum, out of the annual profits of such corporation in preference to all other stockholders, and all creditors of such corporation, at the time of such increase, shall be entitled to share pro rata therein.

Capitalization of debts of manufacturing companies.

SEC. 2. That upon such vote of the stockholders being had as aforesaid, the directors of said company shall give notice by like publication to the creditors of said company of the action of said stockholders, and also by forwarding

Directors to notify creditors of action, etc.

List of stock holders and creditors to be kept.

To whom preferred stock shall be offered.

Certificate to be filed in Secretary of State's office.

Repeal, etc.

to each creditor and stockholder by mail a copy of said notice on its first publication, when the post office address of said creditor and stockholder is known to any director of said company, or can by proper diligence be ascertained, and said company shall preserve a list of the names and address of the stockholders and creditors to whom any notice shall in accordance with the provisions of this act be forwarded, that they may accept the provisions so made for the capitalization of their claims, and such preferred stock shall be offered: First, to the original stockholders of said company, who shall for a period of thirty days next after the date of the first publication of notice offering said stock, have the exclusive privilege of subscribing for and taking said stock; and such stock as shall not be taken by said original stockholders within said thirty days, shall, for the next succeeding thirty days, be offered to the creditors of said company, who shall, during said period of thirty (30) days, have the exclusive right to subscribe therefor, and if, at the expiration of the sixty (60) days within which said stockholders and creditors have preference as herein provided, all of said stock shall not be taken, the balance may be subscribed for and taken by parties not creditors of such corporation, and the money received for said preference shares, taken by parties other than creditors, shall be used by said company only to pay its debts aforesaid: Provided, that no creditor shall be compelled to pay, except in the satisfaction and cancellation of his claim against said company for stock subscribed for by him unless the amount of stock so subscribed for shall exceed in amount the sum due him from said company; and the directors of said company shall prepare and file in the office of the secretary of state a certificate, under the seal of such corporation, and signed by its president or other proper officer, stating the vote of the stockholders, the amount of such increase, the number of preference shares, the amount of each share and the total of each class of shares constituting the capital stock, a copy of which certificate duly authenticated by the secretary of state under the great seal of the state, shall be evidence in all courts and places of such increase of capital stock and of due compliance with this act.

SEC. 3. This act shall take effect and be in force from and after its passage; and said act passed April 11, 1862 (S. & S., page 168), be and the same hereby is repealed.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 6, 1874.

AN ACT

To regulate Mines and Mining, and to repeal an act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be appointed by the governor, with the advice and consent of the senate, one mine inspector, who shall hold his office for four years, subject, however, to be removed by the governor for neglect of duty or malfeasance in office. Said inspector shall have knowledge of chemistry, geology and mineralogy, and a practical knowledge of the different systems of working and ventilating coal mines, and of the nature and properties of the noxious and poisonous gases of mines, particularly fire-damp, and mining engineering; and said inspector, before entering upon the discharge of his duties, shall take an oath or affirmation to discharge the same faithfully and impartially, which oath or affirmation shall be indorsed upon his commission, and his commission, so indorsed, shall be forthwith recorded in the office of the secretary of state, and such inspector shall give bond in the sum of five thousand dollars, with sureties to the approval of the governor, conditioned for the faithful discharge of his duty.

A mine inspector to be appointed.

His qualifications.

His oath.

SEC. 2. Said inspector shall give his whole time and attention to the duties of his office, and shall examine all the mines in this state as often as his other duties will permit, to see that the provisions of this act are obeyed; and it shall be lawful for such inspector to enter, inspect and examine any mine in this state, and the works and machinery belonging thereto, at all reasonable times, by night or by day, but so as not to unnecessarily obstruct or impede the working of the mine; and to make inquiry into the state and condition of the mine as to ventilation and general security, as required by the provisions of this act; and the owners and agent of such mine are hereby required to furnish the means necessary for such entry and inspection, of which inspection the inspector shall make a record, noting the time and all the material circumstances; and it shall be the duty of the person having charge of any mine, whenever loss of life shall occur by accident connected with the working of such mine, or by explosion, to give notice forthwith by mail, or otherwise, to the inspector of mines and to the coroner of the county in which such mine is situated, and the coroner shall hold an inquest upon the body of the person or persons whose death has been caused, and inquire carefully into the cause thereof, and shall return a copy of the verdict and all the testimony to such inspector. No person having a personal interest in, or employed in the management of the mine where a fatal accident occurs, shall be qualified to serve on the jury impaneled on the inquest.

His duties, etc.

SEC. 3. Such inspector, while in office, shall not act as an agent, or as a manager, or mining engineer, or be interested in operating any mine; and he shall, annually, on or before the first day of January, make report to the governor of his

Shall not be interested in mining, etc.

- His report.** proceedings, and the condition and operation of the mines in this state, enumerating all accidents in or about the same, and giving all such other information as he may think useful and proper, and making such suggestions as he may deem important as to further legislation on the subject of mining.
- His salary, etc.** SEC. 4. Said inspector shall receive a salary of two thousand dollars per annum, and his necessary traveling expenses, to be paid in quarterly installments; and he shall have and keep an office in the state house, at Columbus, in which shall be carefully kept the maps and plans of all mines in this state, and also all records and correspondence, papers and apparatus, and property, pertaining to his duties, belonging to the state, and which shall be handed over to his successor in office.
- Vacancy, how filled.** SEC. 5. Any vacancy occurring when the senate is not in session, either by death or resignation, removal by the governor, or otherwise, shall be filled by appointment by the governor, which appointment shall be good until the close of the next session of the senate, unless the vacancy is sooner filled as in the first section provided.
- Inspector to be furnished with instruments, etc.** SEC. 6. There shall be provided for said inspector all instruments and chemical tests necessary for the discharge of his duties under this act, which shall be paid for on the certificate of the inspector, and which shall belong to the state.
- Owner of a mine shall furnish a map of his mine, etc.** SEC. 7. The owner or agent of every coal mine shall make, or cause to be made an accurate map, or plan of the working of such mine, on a scale of not less than one hundred feet to the inch, showing the area mined or excavated and the location and connection with such excavation of the mine of the lines of all adjoining lands, and the name or names of each owner or owners, so far as known, marked on each tract, a true copy of which map the said owner or agent shall deposit with the inspector, within six months after the passage of this act, and another copy of which shall be kept at the office of such mine; and the owner or agent shall, on or before the first day of September, 1874, and every four months thereafter, file with said inspector a statement and plan of the progress of the workings of such mine up to said date, which statement and plan shall be so prepared as to enable the inspector to mark the same on the original map or plan herein required to be made. In case of refusal on the part of said owner or agent, for two months after the time designated, to make and file the map or plan, or the addition thereto, the inspector is authorized to cause an accurate map or plan of the whole of said mine to be made at the expense of the owner thereof, the cost of which shall be recoverable against the owner in the name of the person or persons making said map or plan, which shall be made in duplicate, one copy being delivered to the inspector, and the other left in the office of the mine; and he shall, on being paid the proper cost thereof, on demand of any person interested in the working of such mine or owner of adjoining lands, furnish an accurate copy of any map or plan of the workings of such mines.
- SEC. 8. Twelve months from and after the passage of this

act, it shall not be lawful for the owner or agent of any coal mine worked by a shaft, wherein over fifteen thousand square yards have been excavated, to employ any person to work therein, or to permit any person to work in such mine, unless there are to every seam of coal worked in each mine at least two separate outlets, separated by natural strata of not less than one hundred feet in breadth, by which shafts or outlets distinct means of ingress and egress are always available to the persons employed in the mine; but it shall not be necessary for the two outlets to belong to the same mine; and every shaft opened after the passage of this act shall have two such separate outlets, after fifteen thousand square yards have been excavated; and to all other coal mines, whether slopes or drifts, two such openings or outlets shall be provided within twelve months after the passage of this act, provided fifteen thousand square yards have been excavated at or before the passage of this act, or if not, then within twelve months after that extent has been excavated. In case such outlets are not provided as herein stipulated, it shall not be lawful for the agent or owner of any such mine to permit more than ten persons to work therein at any one time. In case any coal mine has but one shaft, slope or drift for the ingress or egress of the men working therein, and the owner thereof does not own suitable surface ground for another opening, the owner may select and appropriate any adjoining land for that purpose, and for approach thereto, and said owner shall be governed in his proceeding in appropriating such land by the provisions of law in force providing for the appropriation of private property by corporations, and such appropriation may be made whether the owner of such mine is a corporator or not: Provided, that no land shall be appropriated under the provisions of this act until the court is satisfied that suitable premises cannot be obtained by contract upon reasonable terms.

Outlets of
mines re-
quired, etc.

SEC. 9. The owner or agent of every coal mine, whether shaft, slope or drift, shall provide and maintain, within six months after the passage of this act, for every such mine, an amount of ventilation of not less than one hundred cubic feet per minute per person employed in such mine, and as much more as the inspector may direct, which shall be circulated to the face of each and every working place throughout the mine; and all mines generating fire-damp shall be kept free of standing gas, and in all mines where fire-damp is generated, every working place shall be carefully examined every morning, with a safety-lamp, by a competent person, before any of the workmen are allowed to enter.

Ventilation
requisite.

SEC. 10. The owner or agent of every coal mine operated by shaft or slope, in all cases where the human voice cannot be distinctly heard, shall forthwith provide and maintain a metal tube from the top to the bottom of such shaft or slope, suitably calculated for the free passage of sound therein, so that conversations may be held between persons at the bottom and top of the shaft or slope; and there shall also be provided an approved safety-catch, and a sufficient cover

Tubes for
passage of
sound, etc.

over head, on all carriages used for lowering and hoisting persons, and in the top of every shaft an approved safety-gate, and also an approved safety-spring on the top of every slope, and an adequate brake shall be attached to every drum or machine used for lowering or raising persons in all shafts or slopes.

Competent engineers must be employed, etc.

SEC. 11. No owner or agent of any coal mine operated by a shaft or slope, shall place in charge of any engine used for lowering into or hoisting out of such mine persons employed therein, any but experienced, competent and sober engineers; and no engineer in charge of such engine shall allow any person, except such as may be deputed for that purpose by the owner or agent, to interfere with it or any part of the machinery, and no person shall interfere or in any way intimidate the engineer in the discharge of his duties; and in no case shall more than ten men ride on any cage or car at one time, and no person shall ride upon a loaded cage or car in any shaft or slope.

Safety lamps.

SEC. 12. All the safety-lamps used for examining coal mines, or which may be used in working any mine, shall be the property of the owner of the mine, and shall be under the charge of the agent of such mine; and in all mines generating explosive gas, the doors used in assisting or directing the ventilation of the mine shall be so hung and adjusted that they will shut of their own accord, and cannot stand open; and in all such mines the mining boss shall keep a careful watch over the ventilating apparatus, and the air-ways, and he shall measure the ventilation at least once a week at the inlet and outlet, and also at or near the face of all the entries, and all such measurements shall be reported once a month to the inspector.

Boys under twelve must not be employed in mines, etc.

SEC. 13. No boy under twelve years of age shall be allowed to work any in mine, nor any minor between the ages of twelve and sixteen years, unless he can read and write; and in all cases of minors applying for work, it shall be the duty of the agent of such mine to see that the provisions of this section are not violated.

Action for non-compliance with this act.

SEC. 14. In case any coal mine does not, in its appliances for the safety of the persons working therein, conform to the provisions of this act, or the owner or agent disregards the requirements of this act, any court of competent jurisdiction may, on application of the inspector, by civil action, in the name of the state, enjoin or restrain the said owner or agent from working or operating such mine with more than ten miners at once, until it is made to conform to the provisions of this act; and such remedy shall be cumulative, and shall not take the place of or affect any other proceedings against such owner or agent authorized by law for the matter complained of in such action.

Penalty for injury to machinery, etc., of mines.

SEC. 15. Any miner, workman or other person who shall knowingly injure or interfere with any safety-lamp, air course or brattice, or obstruct or throw open doors, or disturb any part of the machinery, or disobey any order given in carrying out the provisions of this act, or ride upon a loaded car or

wagon in a shaft or slope, or do any act whereby the lives or health of the persons or the security of the mines and machinery is endangered, or if any miuer or person employed in any mine governed by the provisions of this act shall neglect or refuse to securely prop or support the roof and entries under his control, or neglect or refuse to obey any order given by the superintendent in relation to the security of the mine in the part of the mine under his charge or control, every such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding fifty dollars, or imprisonment in the county jail not exceeding thirty days, or both, at the discretion of the court.

SEC. 16. Whenever written charges of gross neglect of duty or malfeasance in office against any inspector shall be made and filed with the governor, signed by not less than fifteen coal-miners, or one or more operators of mines, together with a bond in the sum of five hundred dollars, payable to the state, and signed by two or more responsible freeholders, and conditioned for the payment of all costs and expenses arising from the investigation of such charges, it shall be the duty of the governor to convene a board of examiners, to consist of two practical coal-miners, one chemist, one mining engineer and one operator, at such time and place as he may deem best, giving ten days' notice to the inspector against whom the charges may be made, and also to the person whose name appears first in the charges; and said board, when so convened, and having been first duly sworn or affirmed, truly to try and decide the charges made, shall summon any witnesses desired by either party, and examine them, on oath or affirmation, which may be administered by any member of the board, and depositions may be read on such examination as in other cases; and the board shall examine fully into the truth of such charges, and report the result of their investigation to the governor; and if their report shows that such inspector has grossly neglected his duties, or is incompetent, or has been guilty of malfeasance in office, it shall be the duty of the governor forthwith to remove such inspector and appoint a successor; and said board shall award the costs and expenses of such investigation against the inspector or the persons signing said bond, according to their finding against said inspector or in his favor, which costs and expenses shall include the compensation of such board of five dollars per day for each member for the time occupied in the trial, and in traveling from and to their homes; and the attorney-general shall forthwith proceed to collect such costs and expenses, and pay the same into the state treasury, the said costs and expenses being in the first instance paid out of the state treasury on the certificate of the president of such board.

SEC. 17. In all coal mines in this state, the miners employed and working therein, the owners of the land or other persons interested in the rental or royalty of any such mine, shall, at all proper times, have full right of access, and examination of all scales, machinery or apparatus used in or about said mine to determine the quantity of coal mined, for the purpose of testing the accuracy and correction of all

When governor shall convene a board of examiners.

Duties of the board.

Right of access to mines, etc.

such scales, machinery or apparatus, and such miners, land owners, or other persons, may designate or appoint a competent person to act for them, who shall, at all proper times have full right of access and examination of such scales, machinery or apparatus, and seeing all weights and measures of coal mined, and the accounts kept of the same: Provided, not more than one person on behalf of the miners collectively, or one person on behalf of the land owners or other persons interested in the rental or royalty jointly, shall have such right of access, examination and inspection of scales, weights, measures and accounts at the same time, and that such persons shall make no unnecessary interference with the use of such scales, machinery or apparatus.

Mines to which this act is not applicable.

SEC. 18. The provisions of this act shall not apply to or affect any coal mine in which not more than ten men are employed at the same time: Provided, that on the application of the proprietor of or miners in any such mine, the inspector shall make, or cause to be made, an inspection of such mine, and direct and enforce any regulations in accordance with the provisions of this act that he may deem necessary for the safety of the health and lives of the miners.

Act repealed.

SEC. 19. The act entitled an act to regulate coal mines and the working thereof, passed April 29, 1872, is hereby repealed.

SEC. 20. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 21, 1874.

AN ACT

To amend and extend the provisions of an act passed March 10th, 1873, entitled "An act supplemental to an act entitled an act to provide for the creation and regulation of Incorporated Companies in the State of Ohio," passed May 1st, 1852.

Companies doing business for four years to be legally incorporated.

Proviso.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the incorporation of all companies heretofore formed, for any purpose recognized by the laws of Ohio, where such company or companies have been doing business in good faith as incorporations for at least four years, be and the same are hereby declared to be legal and valid in all courts of law or equity, in all proceedings now or hereafter pending in this state or elsewhere, although the acknowledgment of the certificate of incorporation of such companies may not be executed in conformity with the laws of Ohio: Provided, that the persons composing the board of directors thereof, or any five of them, or a majority of said board, shall execute and file with the secretary of state, within six months from the passage of this act, an amended cer-

tificate of incorporation, executed and acknowledged in conformity to the laws of the state regulating such incorporation.

SEC. 2. The above recited act, passed March 10th, 1873, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 18, 1874.

AN ACT

Supplemental to the Code of Criminal Procedure for the State of Ohio, to provide for the mode of taking bail in Criminal Cases, and the justification of sureties therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cases where it is made the duty of any court or officer to take or accept any bail or recognizance, or approve the security offered on any bond or recognizance, in any proceeding in criminal cases, or cases of a criminal nature, under the laws of the state of Ohio, such court or officer shall have authority to require any person offered as surety on any bond or recognizance as aforesaid, to make an affidavit of his qualifications, or to be examined orally under oath touching such qualifications. Such affidavit may be made before, and such oath administered by and taken before such court or officer.

Affidavit of qualifications as surety required.

SEC. 2. One surety in every such bond or recognizance must be a resident of the county in which such proceeding is pending, or in which the cause of action arose, and the sureties shall be worth double the sum to be secured, and have property liable to execution in this state equal at least to the sum to be secured. Where there are two or more sureties offered to the same bond or recognizance, they must, in the aggregate, have the qualifications provided in this section.

Qualifications requisite.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 16, 1874.

AN ACT

To amend the eleventh section of an act entitled an act regulating the mode of administering assignments in trust for the benefit of creditors, passed and took effect April 6, 1859. (S. & C., Vol. 1, p. 711.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eleven of the above recited act be so amended as to read as follows:

Commissions
of assignees.

Section 11. Before any dividend is declared, the assignees may be allowed the following commission upon the amount of the personal estate collected and accounted for by them, and of the proceeds of the real estate sold under an order of court for the payment of debts, which shall be received in full compensation of all their ordinary services, that is to say:

For the first thousand dollars, at the rate of six per centum.
For all above that sum, and not exceeding five thousand dollars, at the rate of four per centum.

And for all above five thousand dollars, at the rate of two per centum.

Further al-
lowances.

And in all cases such further allowance shall be made as by the court shall be considered just and reasonable for their actual and necessary expenses, and for any extraordinary expenses and for any extraordinary services not required of an assignee under this act in the common course of his duty, also such reasonable counsel fees as may be necessary for the proper administration of said assignment, whether performed by the assignee as attorney or such other as may be employed by him, but that no such further allowance, extraordinary expenses or services, or attorney fees, shall be allowed by the court unless a bill of items be filed, showing such actual and necessary or extraordinary expenses and services or attorney fees, together with the affidavit of the person incurring such expenses or performing such services, showing that the same were performed for and were necessary to the assignment, and that the amount charged therefor is reasonable and not more than is usually paid for such services; and when such services shall have been performed by persons other than the assignee, the assignee shall also file an affidavit, stating that such services were necessary for the proper administration of the assignment, that they were performed under his direction, that the charges for the same are fair and reasonable, and that the full amount thereof has been paid to the party performing such services.

SEC. 2. That original section eleven of the act to which this is an amendment be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 16, 1874.

AN ACT

Supplementary to an act entitled an act relating to Ditches, passed April 12th, 1871. (Page 60, Vol. 68 O. L.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of any county in this state shall have power, at any regular or called session, whenever in their opinion it is necessary for the proper drainage of lands, in case where any ditch, drain or water-course has been established and constructed under the provisions of the act to which this is supplementary, to cause the same to be widened or deepened, as hereinafter provided.

Power of commissioners to widen or deepen ditches, etc.

SEC. 2. Whenever one or more persons owning land adjacent to any such ditch, drain or water-course, referred to in section one, shall file a petition setting forth the necessity of such widening or deepening the same, or any part thereof, with the county auditor, and shall file a bond, with sureties to the acceptance of said auditor, conditioned to pay all costs and expenses incurred, in case the commissioners shall refuse to grant the prayer of said petitioners, the commissioners shall have the same power to cause said ditch, drain or water-course to be deepened or widened as they have to order any such ditch, drain or water-course to be located and constructed, and the same proceedings shall be required, except that the commissioners may dispense with the services of an engineer, and that a notice of the day for hearing the petition and the substance of the prayer of said petition published in some newspaper of general circulation in the county for two consecutive weeks prior to the hearing of said petition, shall be deemed a sufficient notice to non-resident land owners, and a notice in writing to resident owners of land eight days prior to the time of hearing said petition, shall be deemed a sufficient notice, and the costs and expenses shall be assessed and collected in accordance with the original act to which this is supplementary.

The same.

SEC. 3. This act shall be in force from and after the first day of April next.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 16, 1874.

AN ACT

To transfer Shelby county from the first sub-division of the Third Judicial District to the second sub-division of said district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county of Shelby be and the same is hereby transferred from the first sub-division of the third judicial district to the second sub-division of said district.

SEC. 2. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 21, 1874.

AN ACT

Supplementary to the act entitled "An act prescribing the duties of County Auditors," passed and took effect April 4th, 1859 (S. & C., page 99), as amended January 11th, 1873.

Book of additional
 s, &c.,
 to be kept by
 auditor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of each county in the state shall keep in his office a book, to be denominated a book of additional and deductions, and that after the duplicate shall have been delivered to the treasurer for collection, as required by law, no amendments to or alterations therein shall be made by any auditor during the fiscal year.

Increase of
 taxation to
 be certified
 to treasurer,
 &c.

SEC. 2. That when it shall become necessary to add to or increase the amount of the tax or assessment upon any property upon said duplicate against any person or property, said auditor shall make an entry in said book of additional and deductions, of the amount of said additional tax or assessment, together with a description of the property and the name of the person to be charged therewith; and said auditor shall thereupon certify to said treasurer the same, who shall, upon receipt of said certificate, proceed to collect said additional tax or assessment in the same manner as other taxes and assessments are now or hereafter may be collected; and said treasurer, in his semi-annual settlements with the auditor, shall be charged with all such additional taxes or assessments, and credited with such as may not be collected by him, as in case of other delinquencies.

Deduction of
 tax to be cer-
 tified, &c.

SEC. 3. That whenever it shall become the duty of any auditor during said fiscal year to deduct from the duplicate in the possession of the treasurer any tax or assessment, or any part of the same, he shall make an entry of the amount, together with a description of the property and the name of the person or persons charged with said tax or assessment, in the book mentioned in the first section of this act, and immediately certify the same to the treasurer, who shall receive said certificate in payment, in whole or in part, as the case may be, of said tax or assessment against said property, person or persons, and that for every such certificate so received, the treasurer shall be entitled to a credit, in his semi-annual settlement with the auditor, for the amount thereof. Said auditor to be paid for services under this act by order of the

county commissioners, out of the county funds, as for services in similar cases.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 21, 1874.

AN ACT

To amend section two of an act entitled an act supplementary to an act entitled an act to preserve the purity of Elections, passed May 5, 1863. (S. & C., page 343, [543]).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above recited act be amended so as to read as follows:

Section 2. That all ballots voted at any election held in pursuance of law shall be written on plain white paper, or printed with black ink with a space of not less than one-fifth of an inch between each name, on plain white news printing paper, without any device or mark of any description to distinguish one ticket from another, or by which one ticket may be known from another by its appearance, except the words at the head of the ticket; and whenever any ballot with a certain designated heading shall contain printed thereon in place of another, any name not found on the regular ballot having such heading, such name so found shall be regarded by the judges of election as having been placed there for the purpose of fraud, and said ballot shall not count for the name so found; and it shall be unlawful for any person to print for distribution at the polls, or distribute to any elector, or knowingly to vote any ballot printed or written contrary to the provisions of this act: Provided, that nothing herein contained shall be construed to prohibit the erasure, correction or insertion of any name by pencil mark or with ink upon the face of the printed ballot.

Description
of ballots to
be voted.

SEC. 2. That section two of the above recited act be and the same hereby is repealed, and this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 21, 1874.

AN ACT

To provide for supplying United States Courts in Ohio with the Laws of the State.

Secretary of State to furnish judges and clerks with laws, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the secretary of state to furnish to each of the judges and each of the clerks of the United State courts in Ohio, a full set of all general laws passed since August 1, 1868, and in the distribution of all laws of a general character which may hereafter be passed, the secretary of state shall furnish to said judges and clerks copies of the same, and shall furnish each year to the clerk of each of the United States courts in Ohio, for the use of said court, a copy of the report of the decisions of the Supreme Court of Ohio for that year.

SEC. 2. This act shall take effect from and after is passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 21, 1874.

AN ACT

To prevent the use of Ferrets to catch Rabbits.

Ferrets shall not be used to catch rabbits.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person or persons to use or employ, or to attempt to use or employ, except upon premises owned by such person or persons, ferrets for the purpose of catching rabbits, or driving them from their burrows or hiding places.

Penalty therefor.

SEC. 2. Any or every person violating the first section of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for the first offense, be fined in any sum not less than five dollars or more than twenty dollars, and for the second or any subsequent offense, not less than fifty dollars or more than one hundred dollars, at the discretion of the court.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 21, 1874.

AN ACT

Supplementary to an act entitled an act supplementary to an act providing for the punishment of crimes, and of the several acts amendatory and supplementary thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any person shall be confined in jail for the non-payment of any fine or costs, or both, by the provisions of either section of the act entitled an act supplementary to an act entitled an act providing for the punishment of crimes, and of the several acts amendatory and supplementary thereto, passed April 7th, 1863 (60 Vol. Stat., 66), and to which act this act is supplementary, the commissioners of the county in which any such person shall be so imprisoned may require such person to perform hard labor in the jail in which such person shall be confined until such fine or costs, or both, shall have been paid, or secured to be paid; and when any person, by the provisions of this act, shall be required to perform hard labor, he or she shall be allowed, for each day's labor so done, one dollar and fifty cents, which shall be applied to the payment of the fine or costs, or both, for the non-payment of which such person shall have been imprisoned. When the labor of any such person, at the rate of one dollar and fifty cents per day, shall amount to a sum equal to the fine or costs, or both, for the non-payment of which such person shall have been imprisoned, then such fine or costs, or both, shall be deemed to have been paid, and such person shall be discharged: Provided, that no person shall be imprisoned or required to perform hard labor, by the provisions of this act or of the act to which this act is supplementary, for more than six months, for the non-payment of any fine or costs, or both, and for which judgment has been rendered against such person in any one prosecution; and when any person shall have been, by the provisions of this act and of the act to which this is supplementary, imprisoned or required to labor for the term of six months, the fine or costs, or both, for the non-payment of which such person shall have been imprisoned, shall be deemed to have been paid, and such person shall be discharged. And it is hereby made the duty of said commissioners to order the discharge of any person when the fine or costs, or both, for the non-payment of which he or she shall have been imprisoned, have been paid as provided for in this act.

SEC. 2. All labor performed, as provided in the first section of this act, shall be done under the direction and supervision of the said county commissioners, and the boundaries of the county in which any person shall be imprisoned by the provisions of this act, shall be deemed to be the jail limits for the purposes of this act.

Prisoners for non-payment of fines or costs, may be required to labor, etc.

Limitation to six months' labor.

Labor to be done under direction of commissioners.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 21, 1874.

AN ACT

To change the time fixed for holding the District Court for the year 1874, in Logan county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the time for holding the district court of Logan county for the year 1874, as fixed by a majority of the judges of the third judicial district, be and the same is hereby changed, and that said court shall be held in said county in said year so as to commence on the third day of August: Provided, that nothing herein contained shall be construed to change or interfere with the times fixed by said judges for holding courts in the remaining counties of said district.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 21, 1874.

AN ACT

For the protection of Buoys in the State of Ohio.

Penalty for
attaching
vessels to
buoys, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person mooring any vessel to any of the buoys, beacons or channel stakes placed in any of the waters of the state by the authority of the United States light-house board, or in any manner hanging on with a boat or vessel to any such buoy, beacon or channel stake, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punishable by a fine not exceeding fifty dollars, and imprisonment in the county jail not exceeding thirty days; and any person who shall willfully remove or destroy any such buoy, beacon or channel stake, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punishable by a fine not exceeding two hundred and fifty dollars nor less than fifty dollars, and imprisonment in the county jail not exceeding ninety days.

SEC. 2. It shall be the duty of the prosecuting attorney of

the county in which such buoy, beacon or channel stake shall be situated to proceed, in the name of the state of Ohio, against any person violating the preceding section of this act, when notified in writing of such violation by any officer of the United States light-house service, or a collector of customs, or a deputy collector of customs.

Prosecuting
attorney to
prosecute
violation of
this law.

SEC. 3. That this act shall take effect on its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 21, 1874.

AN ACT

To authorize the filling of vacancies in the Boards of Trustees of Townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any township shall for any cause be without a board of trustees, or for any cause there shall be a vacancy in the board of trustees of any township, it shall be the duty of the justices of the peace of such township to appoint a suitable person or persons having the qualifications of electors in such township, to fill the vacancy or vacancies that have occurred or may hereafter occur in any such board of trustees, and the justices of the peace discharging said duty shall make out a certificate in writing of said appointment or appointments, and file the same with the clerk of the township in which said vacancy occurred, who shall record the same; and the person or persons thus appointed shall take the same oath or affirmation required of like officers chosen at any annual election, and hold their offices until their successors shall be duly elected and qualified: Provided, that this act shall be supplemental and subject to the act entitled an act supplementary to an act passed April 17, 1872 (Vol. 69, page 76), entitled an act to incorporate the original surveyed townships, passed March 14, 1831, and to repeal an act therein named.

Justices of
the peace to
fill vacan-
cies.

Oath of ap-
pointee.

SEC. 2. This act shall be in force and take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 21, 1874.

AN ACT

To authorize commissioners, for the protection of bridges and highways, to remove timber and drift from rivers and water courses.

County commissioners to cause removal of drift, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of any county are hereby authorized to cause to be removed from any river or water course within their county, any drift or timber for the better protection of roads and bridges in such county.

Petition for such removal to be filed.

SEC. 2. That before the commissioners shall proceed to remove said drift or timber, there shall be filed with the county auditor of such county a petition signed by five or more tax payers of the county, setting forth the benefits to be derived from removing said drift and timber, the starting point and terminus, with a description of the river or water course to be cleared, and amount of drift and timber to be removed, together with an estimate of cost to be incurred to complete said work, and the auditor shall at the next regular or called meeting of the commissioners notify them of the filing of said petition.

Person to be appointed to examine and report, etc.

SEC. 3. That the commissioners, upon receiving said notice of petition, shall forthwith appoint some disinterested person resident of the county, who shall go upon the line of said river or water course, and examine the same carefully, and make his report to the county auditor in writing, stating whether he deems the clearing of said river or water course important and beneficial for the protection of any state or county road or bridge, and if so, an estimate of the amount of money required to perform the same.

Auditor to notify commissioners of filing of reports.

SEC. 4. That the county auditor shall, at the first regular or called meeting of the commissioners, after receiving the report from such person, notify said commissioners of the same, and if the said report recommends the clearing of said river or water course, the commissioners shall be authorized to proceed to let the same at public sale to the lowest and best responsible bidder, and take a bond payable to the state of Ohio, of the person or persons to whom said work is let, with good and sufficient security for the performance of the same within a specified time; and on completion of the work thus let and accepted by said commissioners, the auditor shall issue a certificate to the person or persons performing said work for the sum due: Provided, that in no case shall the work be let at a higher price than twenty per cent. above the estimate so made by said person appointed; and provided further, that no person having an official duty to perform about said work shall be interested, directly or indirectly, in any contract for the clearing of said river or water course.

Costs, how paid.

SEC. 5. That all costs of letting, clearing such river or water course, and all the other necessary expenses which shall accrue under this act, shall be paid out of the county treasury, out of the bridge fund, on the order of the county auditor.

SEC. 6. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 21, 1874.

AN ACT

To amend section twenty-seven of an act entitled an act for opening and regulating Roads and Highways, passed January 27th, 1853. (S. & C., p. 1289.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-seven of an act entitled an act for opening and regulating roads and highways, passed January 27th, 1853, be amended so as to read as follows :

Section 27. That when any state or county road may be injured or destroyed by the washing of any lake, river or creek, or by any washing or sliding of land occasioned by natural drainage, it shall be the duty of the trustees of the township in which such injury or loss of road shall have occurred, upon petition of any six freeholders of the township, to call to their aid a competent surveyor, and proceed to examine such road as may have been injured or destroyed ; and if, upon such examination, said trustees, or a majority of them, shall be satisfied that such road has been destroyed, or so much injured that the public good requires an alteration of the same, they shall proceed to alter and lay out so much of the new road as may supply the several parts of the road thus destroyed or injured : Provided, that if any person or persons, through whose lands any such alteration or new road shall be laid out, shall feel injured thereby, such person or persons shall make application to the trustees, at the time of making the alteration on his or their premises, to assess and determine, according to the provisions of the fourth section of this act, the compensation to be made in money for the property sought to be appropriated ; how much less valuable, if any, the premises will be rendered by the alteration of said road ; and the said trustees and surveyor shall make a report of their doings in the manner pointed out as the duty of viewers and surveyors in case of new roads ; and the auditor and commissioners of the proper county shall be governed in the reception and recording of said report in all respects as is prescribed in this act in cases of new roads.

Repair of
roads in-
jured by
washing,
land sliding,
etc.

Remedy of
persons in-
jured by
such repairs,
etc.

SEC. 2. That said section twenty-seven be and is hereby repealed.

SEC. 3. That this act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 21, 1874.

AN ACT

Supplementary to an act passed April 29, 1873, entitled an act to create a Board of Fire Commissioners in cities having a population exceeding ninety thousand inhabitants. (O. L., Vol. 70, p. 188.)

Board of fire
commissioners;
appointment, term
of office, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the management and control of fire departments in cities of the first class having a population exceeding ninety thousand inhabitants, and not exceeding one hundred and fifty thousand inhabitants, shall be vested in a board of five commissioners, which shall consist of the mayor, who shall be president of the board, the chairman of the committee on fire and water of the city council, and three resident freeholders in said cities, who shall be nominated by the mayor and approved by the city council. Said commissioners so appointed shall hold office for the term of three years, and the term of office of those first appointed shall be for one year, for two years, and for three years, so that thereafter there shall be one member appointed annually. The mayor and city council shall have power to fill vacancies in the same manner as original appointments are made. The members of said board shall serve without compensation.

Meetings of
the board.

SEC. 2. The said board shall hold regular meetings at least twice each month, and oftener if deemed necessary by said board. Special meetings may be called by the mayor or any three members. Notice of all special meetings shall be served upon the members in person or by leaving written or printed notices of the same at their places of residence. A majority of the members shall be necessary to order the expenditure of money or to make any contract, and the vote upon the same shall be taken by the yeas and nays and entered upon the minutes. They shall cause an accurate record to be made of all their proceedings, which shall be received as evidence when certified to by the secretary. They shall have power to make such rules and regulations for the government of the department as may be found necessary, from time to time, which shall have the power and effect of ordinances when approved by the city council.

Powers of
the board.

SEC. 3. The said board shall have power to make all necessary repairs of houses, engines or other apparatus belonging to the department, and to contract, in the name of the city, for new houses or apparatus: Provided, that for all contracts exceeding five hundred dollars in amount, the approval of the city council shall first be obtained. No commissioner or other officer of the board or employe of the department shall be interested in the profits of any contract, and no officer or employe shall have power to incur any liability on account of said board unless expressly authorized to do so at a meeting of the board by a majority of the members thereof. At least ten days' notice shall be given in some newspaper of general circulation in such cities of the first class of the reception of proposals for the performance of

any contract exceeding five hundred dollars in amount, and said contract shall be awarded to the best and lowest bidder, who shall furnish satisfactory security for the performance of the same; and all contracts exceeding five hundred dollars in amount shall be subject to the approval of the city council as aforesaid.

SEC. 4. The said board shall annually certify to the city auditor at the time prescribed by law, the amount necessary to be levied on the grand duplicate for the support of the department for the ensuing year, and shall have no power to incur any liability on behalf of said cities of the first class beyond the amount so levied or appropriated to their order by the city council; and the purchase of any additional ground, building of any new house or apparatus, or the establishment of any new company, shall be made by the city council only upon the recommendation of said board. They shall have power to locate and build such fire cisterns or reservoirs as they may deem necessary for the better protection of the property of the city, subject to the restrictions aforesaid. All payments from the fire department funds shall be ordered at a meeting of the board, and shall be paid by the treasurer of said city upon the warrant of the city auditor, which shall be drawn in accordance with the order of the board, and certified to in such manner as they may prescribe.

Board to certify amount necessary to be levied, etc.

SEC. 5. The said board shall have power to appoint a chief of fire department, who shall be the executive officer of the board, and have the active management of the department in service, and such number of assistants as they may deem necessary; whose term of office shall be during good behavior, and until their successors are appointed and qualified. They shall also appoint such other officers and employes as may be necessary for the efficient management of the department, who shall hold their positions until removed by death, resignation, or for causes hereinafter mentioned. They shall fix the salaries and prescribe the duties of all officers and members of the department; and incompetency, inefficiency, permanent disability, insubordination, or violation of any of the rules and regulations of the board, shall be deemed cause for suspension or dismissal: Provided, however, that no change shall be made under this act in the present members of said fire department, except for the causes herein stated. No officer or member shall be appointed or removed on account of his religious or political opinion, nor participate in the political campaigns or conventions of any political party whatever.

Appointment of officers.

SEC. 6. In such cities of the first class as aforesaid, where there now is or may hereafter be established a fire alarm telegraph attached to said fire department, the same shall be under the control and subject to the regulations of the said board of fire commissioners, and the chief of fire department aforesaid shall, by virtue of his office, have a general control of the same. A superintendent and such number of operators and other employes may be appointed by the said board as may be necessary for the management of said telegraph.

Fire alarm telegraph.

Fire ward-
ens, duties,
etc.

SEC. 7. The said chief and assistants shall act as fire wardens, under direction of the board, and shall have power to enter and examine any building in which fire is used, and may condemn the same if it be considered dangerous to the public safety. Whenever complaint is made of the dangerous condition of any building or part thereof, it shall be their duty to immediately examine into the same, and cause the proper measures to be taken to put it in a safe condition. They shall make prompt examination into the cause of every fire occurring within the city limits, and for this purpose are hereby authorized to issue process for, and compel the attendance of witnesses and the production of books and papers; to administer oaths and take testimony, the material points of which shall be carefully entered in a book of record to be kept for that purpose. They shall also examine into the condition of any building reported unsafe, or being erected in violation of law, and shall notify the owners thereof, if found unsafe, to rebuild the same, in default of which they may bring suit against the owners in any court having competent jurisdiction.

SEC. 8. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 21, 1874.

AN ACT

To amend an act entitled "An act to regulate and govern the Ohio Penitentiary," passed April 1, 1867. (S. & S., page 512.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections one, two, three, four, five, seven, fifteen, sixteen and seventeen of the above entitled act be amended so as to read as follows:

Appointment
of directors.

Their term of
office.

Section 1. That for the government and management of the Ohio Penitentiary, there shall be appointed by the governor, by and with the advice and consent of the senate, five directors. That on or before the first day of April, 1874, the governor shall appoint one director who shall hold his office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years from the first Monday of April, 1874, and until their successors are appointed and qualified; and annually thereafter he shall appoint, by and with the like advice and consent, one director, who shall hold his office for the period of five years, and until his successor is appointed and qualified. Each director, before he enters

upon the duties of his office, shall take and subscribe an oath of office, which shall be indorsed on his commission.

Section 2. Said directors shall, at their meeting on the first Monday of April, 1874, and annually at their meeting in April thereafter, elect one of their number president of the board.

Election of president of board.

Section 3. A majority of the board shall constitute a quorum for the transaction of business, and no order of the board shall be valid unless it is entered on its journal and is concurred in by three members.

Quorum.

Section 4. It shall be the duty of the directors—1st. To prescribe rules and regulations for the government of the prison, specifying the duties of all of its officers, and to revise and change the same, from time to time, as circumstances may require; at least three of said directors shall visit the prison in company, on the first Tuesday of each month, and examine all the different departments and audit all claims against it. The directors shall order an inspection of the prison by one of their number, at least once each month between the monthly meetings. 2d. All of the directors shall meet at the penitentiary on the first Tuesday of February, May, August and November, and in addition to the duties above described, examine the books and accounts of the clerk and steward. 3d. To enter on their journal the result of all examinations, whether by a full board or a portion thereof, and all other official acts, which shall be signed by the members present. 4th. On or before the fifteenth of November in each year, to report to the governor the condition of the prison, together with a detailed statement of its receipts and expenditures, and such suggestions as its interests may require.

General duties of directors.

Section 5. The directors shall appoint a warden on the first Monday in April, 1874, and on the same day every three years thereafter, who shall take and subscribe an oath or affirmation faithfully to discharge the duties of his office, and enter into a bond to the state of Ohio, in the sum of ten thousand dollars, with two good and sufficient freehold sureties, to be approved by the directors and the attorney-general of the state, conditioned for the faithful performance of the duties which may devolve upon him as such officer, and shall hold his office for the period of three years from and after the second Monday of April next after his appointment, unless sooner removed by the directors.

Appointment of warden.

Section 7. The board shall, on the first Monday of April, 1874, and on the same day every three years thereafter, appoint a clerk, a steward, a physician, a chaplain, and when business requires it, an assistant clerk. And the warden, by and with the advice and consent of the board, shall appoint a deputy warden; and the warden shall appoint superintendents of the yard, kitchen, state shops and hospital, a captain of the night-watch, and as many guards as may be necessary, subject to the right of the board at any time to order the number increased or diminished. All persons so appointed shall take an oath of office, and, except the female guards, enter into a bond to the state, with sureties to the satisfaction of the board, that they will faithfully discharge the

Other officers to be appointed by board.

Appointment of deputy warden, etc

Oath of office, bond, etc.

Term of
office.

Compensa-
tion of offi-
cers and em-
ployes.

How money
drawn from
treasury.

Repeal.

duties which devolve upon them; the deputy warden and clerk in the sum of three thousand dollars each, the steward in the sum of five thousand dollars, the assistant clerk in the sum of one thousand dollars, the superintendent and captain of the night-watch each in the sum of six hundred dollars, and the guards each in the sum of five hundred dollars. Each of said persons shall discharge the duties pertaining to his position, under the direction of the warden, and in pursuance of the rules and regulations of the board and of this act. All officers appointed under the provisions of this section shall hold their offices for the period of three years, unless sooner removed, as provided in section thirteen.

Section 15. The officers and employes shall receive the following compensation, to wit: The directors, in addition to their necessary traveling expenses, shall be paid the sum of three dollars per day for the time necessarily employed in the discharge of their official duties; the warden two thousand dollars each year; the deputy warden fifteen hundred dollars each year; the clerk twelve hundred dollars each year; the assistant clerk, in the discretion of the board, not exceeding one thousand dollars each year; the steward, fifteen hundred dollars each year; the physician one thousand dollars each year; the chaplain twelve hundred dollars each year; the superintendent of the yard, kitchen, state shops and hospital, and officer in charge of the guard-room, seventy-five dollars each per calendar month; the captain of the night-watch one hundred dollars per calendar month; the male guards sixty-five dollars and the female guards fifty dollars each per calendar month. The directors shall be paid quarterly and the other officers and employes monthly, out of the treasury of the state, on the warrant of the auditor.

Section 16. No money shall be drawn from the treasury except upon accounts duly certified by the warden and approved by three directors. A triplicate of every such account shall be filed with the clerk.

Section 18. Visitors may be charged a reasonable sum for going through the prison, which sum shall be prescribed by the board. The warden shall procure suitable tickets, which shall be sold by the clerk, who shall keep an account of such sales, and pay over the money to the warden daily. The guard at the door of the guard-room shall receive the tickets and also keep an account of them in a book as they are received, and return them to the warden each day before the prison is closed.

SEC. 2. That sections one, two, three, four, five, seven, fifteen, sixteen and seventeen of the above recited act are hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

To organize a Board of Commissioners for the construction of the Central Lunatic Asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the construction of the central lunatic asylum shall be placed under the control of a board of commissioners, consisting of three respectable citizens of the district in which said asylum is located, and citizens of the United States, resident in said district, to be appointed by the governor, and his appointment to be confirmed by the senate, for the term of one year and until their successors are appointed and qualified. They shall each take an oath of office faithfully to discharge the duties required of them by law, which oath shall be indorsed on the commission issued to each of them by the governor, who is authorized to administer the same.

Board of commissioners for construction of central lunatic asylum.

SEC. 2. The said board of commissioners shall have committed to them the supervision and management of the construction of the said asylum, and the appointment of an architect, superintendent of construction, and clerk, if such appointments are deemed necessary and advisable. The said commissioners shall receive a salary not exceeding one thousand dollars each per annum, and the architect, superintendent of construction, and clerk, shall each receive such compensation as the board may allow, said salaries and compensation to be approved by the governor, and paid on his warrant to the auditor of state, and payable quarterly. The appointment of architect, superintendent of construction and clerk, shall be approved by the governor, and the said commissioners shall be subject to removal at any time by the governor, and their places filled by him with other suitable persons as aforesaid. The said commissioners shall quarterly make full itemized reports to the governor of their disbursements, and a detailed account of the progress of the work under their charge, and of the fidelity and delinquencies of the contractors in the performance of their contracts, which shall be published by the governor, and the board shall have power, under the advice of the governor, in case of failure of any contractor to perform his contract, to cancel the same and to make new contracts for the work and material, or either of them, as required by said contracts so canceled, not exceeding the price fixed by the contract canceled. All estimates under the contracts for work done and material furnished shall be certified to by the architect and approved at a regular meeting of the board, by at least two of the said commissioners, in writing, before payment is made by the proper officers.

Their powers and duties.

Salaries.

Approval of appointments by governor.

Quarterly itemized reports.

Canceling of contracts.

SEC. 3. The trustees of the central lunatic asylum, and all officers, superintendents, architects and clerks appointed by them, are hereby removed from all control and management over the construction of the said asylum, and their

Removal of trustees, architects, etc.

offices are hereby abolished; and they are hereby directed and required, on demand, to hand over to the said board of commissioners all the plans, drawings, working-drawings, books, accounts and contracts in relation to the construction of the said asylum, and turn over to them the possession of all the lands, houses, materials, effects and chattels belonging to the said asylum and appertaining to it, with all the tools, wagons, horses, carts and other effects under their control, or any of them, belonging to the state.

Further duties of commissioners.

SEC. 4. The said board of commissioners shall take full charge of all said asylum property, and of all said contracts, and proceed with reasonable dispatch in the construction of the said asylum buildings, so as to bring the entire building, as well as suitable parts of it, into use and occupancy at the earliest possible day; and also, to set apart such portions of said lands as may be proper for ornament, lawns, walks and gardens for said asylum, and such portions as may be proper for tillage, pasturage, meadows, etc., as may be deemed best calculated to promote the objects contemplated by the laws under which said lands have been acquired and said improvement authorized.

Vacancies, how filled.

SEC. 5. All vacancies in said board of commissioners occasioned by death, resignation, removal, or otherwise, shall be immediately filled by the governor, subject to approval by the senate, as in other cases.

Furnishing the building, etc.

SEC. 6. Should the said commissioners be able to complete the construction of any part of the said asylum building, and have the same in a condition for the reception of patients before the next meeting of the general assembly, they are hereby authorized to furnish the same, appoint a suitable superintendent, steward, matron, attendants and servants, and assign to each and all of them their respective duties. Their compensation shall be the same as is fixed by law for such services in the other lunatic asylums of the state. All the appointments authorized by this section are subject to revocation by said commissioners, and all vacancies from any cause shall be filled by them. All approvals by the governor must be in writing. When said asylum building or any portion of it is finished and ready for the reception of patients, the said commissioners will cause to be removed thereto as many of the lunatic patients of the said district as can be accommodated and taken care of in said building, or the portion thereof finished and furnished.

Repeal.

SEC. 7. So much of the act entitled an act to regulate the benevolent institutions of the state of Ohio, passed April 28, 1852 (1 S. & C., 180), and an act entitled an act to provide for the uniform government and better regulation of the lunatic asylums of the state, and the care of idiots and the insane, passed April 7, 1856 (1 S. & C., 840), and all other acts and resolutions inconsistent with this act, be and the same are hereby repealed: Provided, however, that the board of commissioners appointed under this act shall have all the rights and powers in the construction and control of said asylum not inconsistent with this act, as have heretofore been conferred by law upon the trustees thereof.

SEC. 8. That this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 31, 1874.

AN ACT

To amend section 543 of the act to provide for the organization and government of Municipal Corporations, passed May 7th, 1869, and as amended May 2d, 1871.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section five hundred and forty-three (543) of the municipal code, passed May 7th, 1869, and as amended May 2d, 1871, be amended so as to read as follows:

Section 543. In no case shall the tax or assessment specially levied and assessed upon any lot or land for any improvement, amount to more than twenty-five per centum of the value of such lot or land, as assessed for taxation; the cost exceeding the said per centum that would otherwise be chargeable on such lot or land shall be paid by the corporation, out of its general revenues: Provided, that in cities of the first class, and in all municipal corporations situate in a county containing a city having a population of one hundred and fifty thousand or more, at the last federal census, there may be each year levied, assessed and collected of such special assessment, an amount not exceeding ten per cent. of the value of such lot or land after such improvement is made: Provided, further, that in all cities of the first class and municipalities named in this section, the tax or assessment specially levied and assessed upon any lot or land for any improvement may amount to twenty-five per centum of the value of such lot or land after such improvement is made; the cost exceeding the said per centum that would otherwise be chargeable on such lot or land shall be paid by the corporation, out of its general revenue.

Limit of taxation.

SEC. 2. That section five hundred and forty-three, as enacted May 7, 1869, and as amended April 18, 1870, and May 2, 1871, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

Further de-
clines of con-
sumption

Adventures,
how often.

Attaching
the building
etc.

21. 24. 4.

conviction. If the jury shall find the defendant to be sane, and their verdict be not set aside, a trial shall be had upon the indictment as if the said question had not been tried; if the jury shall find him to be not sane, he shall, for the time being, and until restored to reason, be dealt with in like manner as other lunatics are required to be after inquest held; if the jury, or three-fourths of them, do not agree, or their verdict be set aside, another jury shall be impaneled to try the question; and all statutory provisions and rules of practice relating to criminal causes, which are in their nature applicable to the proceedings and trial by jury herein provided for, as well as to a review thereof on error, shall apply to such proceedings, trial and review; provided, however, that if such lunatic be discharged, the bond given for his support and safe keeping shall also be conditioned that said lunatic shall, when restored to reason, answer to said offense, and abide the order of the court in the premises; and any such lunatic may, when restored to reason, be prosecuted for any offense committed by him previous to such insanity.

Procedure on
verdict of
jury.

SEC. 3. Said sections fifty-two and fifty-three of said act are hereby repealed; and this act shall take effect upon its passage, and shall apply to pending cases, proceedings and prosecutions.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 31, 1874.

AN ACT

To amend section 28 of the Code of Civil Procedure, passed April 18th, A. D. 1870. (O. L., Vol. 67, pp. 111 and 112.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-eight (28) of the code of civil procedure be amended so as to read as follows:

Section 28. Where a married woman is a party, her husband must be joined with her, except that when the action concerns her separate property, or is upon a written obligation, contract or agreement signed by her, or is brought by her, to set aside a deed or will; or if she be engaged as owner or partner in any mercantile or other business, and the cause of action grows out of or concerns such business; or is brought by her and her husband, she may sue and be sued alone. And in all cases where she may sue or be sued alone, the proceedings shall be had and the like judgment rendered and enforced in all respects as if she were an unmarried woman. And in every such case her separate property and she shall be liable for any judgment rendered therein, to the same extent as would the property of her

When married women
may sue or
be sued
alone.

husband, were the judgment rendered against him: Provided, that she shall be entitled to the benefit of all the exemption laws of the state to heads of families. But in no case shall she be required to prosecute or defend by her next friend.

SEC. 2. Said original section 28 is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. A. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

To amend the first section of an act entitled "An act relating to Wills, and the repeal of former acts relating thereto," passed May 3, 1852; took effect June 1, 1852. (S. & C., 1615.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the first section of the above entitled act be so amended as to read as follows:

Who may
devise, and
what may be
devised, etc.

Section 1. That any person of full age and sound memory, having an interest in lands, tenements or hereditaments, or any annuity or rent charged upon or issuing out of the same, or any goods, chattels, rights, credits, choses in action or possession, or any other property of any description whatever, may give and devise the same to any person, by last will and testament, lawfully executed; subject, nevertheless, to the rights of creditors, and to the provisions of this act, and of an act entitled "an act to restrain the entailment of real estate:" Provided, that if such testator or testatrix shall die, leaving issue of his or her body living, or their legal representatives, or shall leave an adopted child or children living, or their legal representatives, and said will give, devise or bequeath such estate in whole or in part to any benevolent, religious, educational or charitable purpose, or to any person in trust for any of such purposes, whether such trust appears upon the face of the instrument making such gift, devise, or bequest or not to the state of Ohio, or any state or country, to any county, township, city, incorporated village, or other corporation or association, in this or any other state or country, in such case said last will, as to such devise or bequest, shall be invalid and void, unless such will (or if contained in a codicil thereto, then such codicil) shall have been duly executed according to law at least twelve calendar months prior to the decease of such testator or testatrix.

SEC. 2. That the first section of the above entitled act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

To extend the provisions of the act entitled "An act to promote and encourage Law Library Associations," passed April 27th, 1872. (Vol. 69, O. L., 165.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the provisions of the act to promote and encourage law library associations, passed April 27th, 1872, be and they are hereby extended to such counties in this state as have within their limits a superior court, and a city of the second class, in which city there is or shall be a law library association, which, by its rules and by-laws, furnishes to city and county officers, and judges of the courts in such city and county, the use of its law books in the same manner as the same are permitted to be used by its members.

Provisions
extended to
certain coun-
ties and
cities.

SEC. 2. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

To extend the provisions of an act entitled "An act supplementary to an act to provide for the organization and government of Municipal Corporations," passed February 10, 1870, amended January 29, 1873, to cities of the first class which have been advanced to that grade during decennial periods.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the provisions of an act entitled an act supplementary to an act to provide for the organization and government of municipal corporations, passed February 10, 1870 (Ohio Laws, Vol. 67, page 7), and as amended January 29th, 1873 (Ohio Laws, Vol. 70, page 16), shall apply to and be in force in all cities of the first class which have been advanced to that grade during decennial periods.

Provisions of
act extended
to advanced
cities of first
class.

Inconsistent
laws inopera-
tive.

SEC. 2. All laws inconsistent with the provisions of said act passed February 10, 1870, and as amended January 29, 1873, are hereby declared inoperative in cities affected by this act.

SEC. 3. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

To amend section three (3) of an act entitled "An act to prevent Collisions on Railroads within the State of Ohio," passed March 24th, 1860. (S. & C., page 372.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three (3) of the above recited act be so amended as to read as follows :

Duty of en-
gineer at
crossing, and
penalties for
neglect.

Section 3. That every engineer, or person in charge of an engine, who shall willfully fail to comply with the provisions of the first section of this act, or shall fail to bring the engine of which he is in charge, with the train, if any, thereto attached, to a full stop at least two hundred feet before arriving at any railroad crossing or connection, or shall cross the same before signaled so to do by the watchman, or before the way is clear, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined in any sum not exceeding one hundred (\$100) dollars, or imprisoned in the jail of the proper county for a term not exceeding thirty (30) days, or both, at the discretion of the court, and shall moreover be personally liable therefor to the person or persons injured to a penalty of one hundred dollars, to be recovered by civil action, at the suit of the state of Ohio, in the court of common pleas of any county where such crossing or connection exists; and the company in whose employ such engineer or person in charge of an engine may be, as well as the person himself, shall be liable in damages to any person or company who may be injured in person or property by the neglect or act of said engineer or person in charge of an engine as afore-said; and such engineer or person in charge of an engine shall also, in case any person be killed by reason of his neglect or failure to bring such engine and train of cars, if any there be attached thereto, to a full stop at least two hundred feet before reaching a crossing or connection with the track of another railroad, or by reason of his crossing the same before being signaled so to do by the watchman there stationed, or before the way is clear, be liable to indictment,

Liability of
employer.

conviction and punishment for manslaughter; or in case any person sustain bodily injury, not affecting life, by reason thereof, then such engineer or person in charge of an engine, as aforesaid, shall be considered guilty of a misdemeanor, and shall, on conviction thereof in the proper court of the county where such bodily injury occurred, be imprisoned in the jail of the county not less than one nor more than twenty months, or be fined in any sum not more than five hundred dollars, or both, at the discretion of the court.

SEC. 2. The original section three (3) of the above recited act is hereby repealed, and this act shall be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 31, 1874.

AN ACT

To secure pay to persons performing labor or furnishing materials in constructing Railroads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person or corporation contracting for the construction of a railroad, depot buildings, water tanks or any part thereof, shall be liable to and shall pay each person performing labor or furnishing materials stipulated for in the contract with the owner of said road, under a contract express or implied with the original contractor, or with any sub-contractor for the whole or any part of the work stipulated in the original contract with the owner of the railroad: Provided, that if the aggregate amount of the indebtedness of said contractor or sub-contractor for said labor and materials exceed ninety per cent. of the contract price for said labor and materials in the contract between the owner of the road and the first contractor, then the person or corporation owning said road shall pay to each person performing said labor or furnishing materials such a per cent. of their claims as ninety per cent. of the first contract price for said labor and materials is of the aggregate amount unpaid of the indebtedness for said labor and materials; and any person or corporation contracting for the construction of the whole or any part of a railroad, shall provide in the contract that the labor performed and materials furnished under the stipulations of the contract shall be paid as herein provided by the company to the persons to whom the same may be due, before any part of the contract price is paid to the contractor; provided, that any person performing said labor or furnishing said materials, who has not been paid therefor, shall serve a notice in writing upon the secretary

Payment for
construction
of railroad,
&c.; to
whom and
how paid, &c.

Service of
notice, &c.

or other officer or agent of said railroad company, by delivering a copy of said notice, or leaving a copy at his usual residence or place of doing business, within thirty days from the date that said person ceased furnishing said materials or laboring on said road as aforesaid, stating in said notice the kind and amount of materials furnished or labor performed, the time when, the contractor or sub-contractor for whom, and the section and place where, on the line of the road, said labor was performed or materials were furnished by him as aforesaid, and the amount due him therefor. And any person failing to serve said notice within said time, shall be deemed and held to have waived all claim under this act against the said railroad company.

Notice to
contractor of
time of pay-
ment, &c.

SEC. 2. That each contractor or sub-contractor shall have at least five days' notice of the time the claim for labor performed and materials furnished under a contract with him will be paid, which may be served upon him by the owner of said road personally, or upon his authorized agent in writing, signed by the owner, his agent or some officer or agent of the company owning said road, stating therein the time said claims will be paid, and, on request of said contractor or sub-contractor he shall be permitted to examine said claims before they are paid, at any time after said notice has been given; and if he dispute any of the claims, the company or owner of the road shall withhold payment of the disputed claims until they are adjusted; if the matter cannot be adjusted between the parties it may be submitted to the arbitrament of three disinterested persons, one to be chosen by each party and the third by the two thus chosen, and their decision or the decision of any two of them shall be final and conclusive in the matter submitted: Provided, that the claimant shall in each case be required to prosecute his claim before the proper tribunal within thirty days, and prosecute the same to final judgment without delay.

Application
of the fore-
going pro-
visions, &c.

SEC. 3. The several provisions of the foregoing sections shall apply to and include any person who shall furnish boarding to such contractor or sub-contractor for the persons employed by them or either of them in furnishing materials for or in the construction of such railroad; and in every such case the notice required in section one of this act shall have attached thereto an itemized account of such board, showing the name of the contractor or sub-contractor for whom such board was provided, the time when the several persons to whom the same was furnished by said boarding-house keeper, and the several amounts unpaid for each respectively. The word owner in this act shall be held and considered as including any lessee, receiver, corporation, company or person owning, operating or managing any railroad with whom or in whose behalf the contracts named in this act shall have been made.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 31, 1874.

AN ACT

To amend section four hundred and sixty-four of an act to establish a Code of Civil Procedure, passed March 11, 1853. (S. & C., 1089.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four hundred and sixty-four of the act to establish a code of civil procedure, passed March 11, 1853, be so amended as to read as follows:

Section 464. After the issuing or return of an execution against the property of a judgment debtor, or of any one of several debtors in the same judgment, and upon proof by affidavit or otherwise to the satisfaction of the judge that any person or corporation has property of such judgment debtor, or is indebted to him, the judge may, by an order, require such person or corporation, or any officer or member thereof, to appear at a specified time and place within the county in which such person or corporation may be served with the order to answer, and answer concerning the same. The service of such order shall bind the property in the possession or under the control of such person or corporation from the time of service, and the person or corporation so served with the order aforesaid shall stand liable to the judgment creditor for all property, moneys and credits in his hands, or due from such person or corporation to the judgment debtor from the time he is served with said order: Provided, that if on the filing of the affidavit of the judgment creditor, his agent or attorney, the judge shall be satisfied of the existence of any of the grounds upon which an order of attachment may be issued, as now provided in section one hundred and ninety-one, the order aforesaid may be issued before the issue and return of execution. The judge may also, in his discretion, require notice of such proceeding to be given to any party in the action in such manner as may seem to him proper.

Order for examination of debtors of judgment debtor, &c.

Effect of such order.

SEC. 2. That original section four hundred and sixty-four, to which this is an amendment, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage, and shall be applicable to all judgments unsatisfied, and to all civil actions and proceedings now pending in which final judgments for the payment of money shall be rendered.

How applicable.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

To amend an act entitled "An act supplementary to an act to provide for the creation and regulation of Incorporated Companies in the State of Ohio," passed May 2, 1871. (O. L., Vol. 68, p. 129.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be amended so as to read as follows :

Extension of
railroad
through
counties not
named in
original cer-
tificate.

Filing of
certificate.

Section 1. That whenever any railroad company heretofore incorporated, the line of whose railway has not been finally located in whole or in part, by resolution of the board of directors, shall find it necessary in order to avoid dangerous or difficult curves or grades, or dangerous or unsubstantial grounds or foundations, or for other reasonable causes, to pass through the territory of any county not named in the original certificate of incorporation, or to avoid passing into or through the territory of any county named in the original certificate of incorporation, other than a county in which one of the terminal points of such railway may be fixed by the original certificate of incorporation, or in which may be located a town or place by or through which the line of such railway, by the calls of such original certificate, is to pass, the president and directors of such railway company, or a majority of them, shall, under their hands and seals, make a certificate declaring such necessity and the cause or causes thereof, and naming therein the county or counties through which it may be necessary to pass, or to avoid passing into or through, which certificate shall be acknowledged before some justice of the peace, and certified by the clerk of the court of common pleas, and forwarded to the secretary of state and filed in his office and preserved therein, as is or may be provided by law for original certificates of incorporation ; and a copy of such certificate, certified by the secretary of state, under the great seal of the state, shall be evidence of the facts therein stated : Provided, that nothing herein shall be construed so as to authorize the abandonment of any part of such company's line as may have been finally located ; and provided further, that nothing in this act shall be construed so as to authorize a change of the general route of the line of such railway, or the terminal points named in the original certificate of incorporation.

Liability for
damages
arising from
change of
line, &c.

SEC. 2. That in any case where the line of any railway company shall, under authority given by this act, be diverted from any county named in the original certificate of incorporation, such railway company shall be liable in damages when any shall be caused by such change or diversion to any person or persons owning land in such county, and all persons who may have subscribed to the capital stock of said railroad, on the line of that part of said railroad, to be changed by the provisions of this act, shall be released from all obligations to pay such subscription : Provided, that no action shall be commenced for such damages after six months from the filing of such certificate as is provided for in the first

section of this act, with the secretary of state, and the publication of notice thereof by such company, for four consecutive weeks in some newspaper printed in such county, or if none be printed there, then in some newspaper having general circulation therein, saving the rights of infants, lunatics and persons imprisoned for six months after disability removed.

SEC. 3. Said original act passed May 2, 1871, is hereby repealed.

SEC. 4. This act shall be in force from its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1874.

AN ACT

Supplementary to an act entitled "An act for the reorganization and maintenance of Common Schools," passed May 1, 1873. (O. L., Vol. 70, pp. 195-240.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in every city district of the first class, in which the board of education consists of one member for each ward, in each ward designated by an odd member [number], where the regular term of office of any member of the board of education expires during the month of April in the year 1874 or 1876, there shall be elected by the qualified electors thereof, at the annual election of city officers for that year, one member of such board for such ward, who shall hold his office for the term of one year and until his successor shall have been elected and qualified under the act to which this act is supplementary.

Election of members of board of education in certain wards.

SEC. 2. In every such city district designated by an even number, when the regular term of office of any member of the board of education thereof expires during the month of April in the year 1875, there shall be elected by the qualified electors thereof, at the annual election of city officers for the year 1875, one member of such board for such ward, who shall hold his office for the term of one year and until his successor shall have been elected and qualified under the provisions of the act to which this act is supplementary.

The same.

SEC. 3. In a city district of the first or second class, a village district or a special district, organized prior to May 1, 1873, under a general or special act that would have authorized or required an election of a member or members of a board of education to be held between the time of the taking effect of said act of May 1, 1873, and the first Monday of April, in the year 1874, if a city district of the first or second class, or a village district, and the second Monday in April, 1874, if a special district, each member of the board of education shall be continued in office until the third Monday in April succeeding the day on which his term of office would

Continuance in office of members in certain cases.

expire according to the provisions of the act under which such district was organized as aforesaid, and until his successor shall be elected and qualified.

Validity of teachers' certificates in certain cases.

SEC. 4. In a district having a population of less than twenty-five hundred, organized prior to the passage of said act of May 1, 1873, under an act authorizing the appointment of a board of examiners for such district, the certificates granted to teachers by such board of examiners subsequent to the passage of the act above entitled and prior to the passage of this act, shall be valid during the school year ending August 31, 1874: Provided, that certificates granted to teachers by the board of examiners of the county in which such district is situated shall also be valid in such district.

Organization of new village districts.

SEC. 5. If any incorporated village has been or hereafter shall be created, as contemplated in the act to which this act is supplementary, the same may be organized as a village district in the following manner, to wit: Written or printed notices, signed by not less than five electors residing within the limits of said village, shall be posted in at least five of the most public places within said village, requesting the electors of such village to meet for the purpose of electing a board of education for such proposed village district, on a day and at an hour and place designated in said notices, which notices shall be posted at least ten days prior to the day designated in them for such meeting. The electors so assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall be judges of said election, and shall then choose by ballot six competent and judicious persons to serve as members of the board of education of such proposed village district—two to serve for one year, two to serve for two years, and two to serve for three years from the annual school election next preceding the organization of such village district, and until their successors shall have been elected and qualified: Provided, that in case such election shall be held on the day of the annual election of school officers, the persons so elected shall hold their offices for the period of one, two and three years from that date, respectively, and until their successors shall have been elected and qualified according to the provisions of section 18 of the act to which this is supplementary.

Organization of board therein.

SEC. 6. The board of education so elected shall organize as is provided in section 44 of the act to which this act is supplementary. In case the election shall be held on the day of the annual election in village districts, the board shall organize on the third Monday in April succeeding such election; but if such election shall be held at any other time, the board shall organize on the Monday next succeeding such election.

SEC. 7. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

To amend sections twenty-three, twenty-four and twenty-five of an act for the reorganization and maintenance of Common Schools, passed May 1, 1873. (O. L., Vol. 70, page 200.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-three (23) of said act be amended so as to read as follows:

Section 23. There shall be elected annually, by ballot, on the second Monday in April, in each special district, by the qualified electors thereof, at the usual time and place of holding school elections in such district, one judicious and competent person to serve as member of the board of education for three years from the first Monday succeeding his election, and until his successor is elected and qualified.

Election of members of board of education.

SEC. 2. That section twenty-four (24) of said act be amended so as to read as follows:

Section 24. The election provided for in the preceding section shall not continue for a less time than two hours, and it shall be the duty of the clerk of each special school district to post up written or printed notices in three or more conspicuous places in said district, at least six days prior to the day of election, designating the day and the hour of opening and closing said election. The election shall proceed in the same manner as provided for in section eighteen of this act.

How long polls to be kept open; notice of election to be posted, etc.

SEC. 3. That section twenty-five (25) of said act be amended so as to read as follows:

Section 25. Whenever the electors of any special district desire to abandon their organization, and become a part of the township district of the township in which such special district is located, they may make such change in the manner following: Written or printed notices shall be posted in at least five of the most public places in said special districts, signed by a majority of the members of the board of education, or one of the board and at least six resident electors of such special district, requesting the qualified electors thereof to assemble on a day and at an hour and place designated in said notices, which notices shall be posted at least ten days prior to the day designated in them, then and there to vote for or against said change. The electors assembled at the time and place designated in said notices shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue for at least two hours. The electors in favor of the proposed change shall have written or printed upon their ballots the words "School—Change," and those opposed thereto the words "School—No change;" and a majority of the ballots so cast shall determine the question whether said change shall be made. Said judges shall make due return of such election to the board of education of said special district within five days after holding the same; and if a majority of the votes cast shall be found to be in favor of said change, said special district board shall immediately

Organization of special districts; how abandoned, etc.

Return of election, etc.

certify this fact to the proper township board, who shall at once assume jurisdiction of all the territory of said special district as a part of the township district, when said special district shall cease to exist; and it is hereby made the duty of all officers of said special district, having custody of any of its school funds or property, to transfer said custody to said township board; and the offices of said officers so surrendering their trusts are hereby abolished, so far as the same may relate to the special district so ceasing to exist: Provided, that the members of the board of education of said special district shall be local directors of the sub-district so created, each to serve the remainder of the term for which he shall have been elected to said special district board.

SEC. 4. That original sections twenty-three (23), twenty-four (24) and twenty-five (25) be and the same are hereby repealed.

SEC. 5. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

To authorize a special term of the District Court of Adams county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be holden a special term of the district court within and for Adams county, Ohio, commencing on the 14th day of April, A. D. 1874.

SEC. 3. This act to be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

To amend an act entitled "An act to establish a code of Criminal Procedure for the State of Ohio," passed May 6, 1869. (O. L., Vol. 66, page 287.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one hundred and twenty-five be so amended as to read as follows:

Section 125. When any person charged with the commission of an offense, the punishment whereof is capital, has been indicted, arraigned and pleaded not guilty, it shall be the duty of the clerk of the court where the trial may be, at the instance of the prosecuting attorney, to proceed to draw from the box, as in other cases, thirty-six ballots, and to make out a venire facias to the sheriff, commanding him to summon the persons whose names were so drawn to appear before the court at the day fixed for the trial, to be therein specified, of the person so charged, and the venire facias shall be served at least ten days before the trial, and the persons so summoned to act as jurors shall be electors, and shall have the qualifications of jurors as otherwise provided by law.

Venire facias
for jury in
capital cases.

Jurors must
be electors.

SEC. 2. That section one hundred and twenty-five of said act be and the same is hereby repealed, and this act shall take effect on its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

Supplementary to an act entitled "An act to exempt specific articles of personal property from execution," passed April 16, 1873. (O. L., Vol. 70, p. 132.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every unmarried woman shall hold the following property exempt from execution, attachment or sale, to satisfy any judgment, decree or debt, to wit:

Property of
unmarried
women ex-
empt from
execution,
etc.

First. Wearing apparel, to be selected by her, not exceeding in value one hundred dollars.

Second. One sewing machine.

Third. One knitting machine.

Fourth. Bible, hymn book, psalm book, and any other books not exceeding in value twenty-five dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed April 4, 1874.

AN ACT

Supplementary to an act entitled "An act for the establishment, support and regulation of Children's Homes in the several counties of the State, and repealing a certain act therein named," passed and took effect April 7th, 1867. (S. & S., page 724.)

Children's homes for several adjoining counties authorized.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of establishing a children's home in accordance with the provisions and regulations of the above recited act, so far as they may be applicable, the commissioners of any two or more adjoining counties in this state, not to exceed four in number, may, and they are hereby authorized, when in their opinion the public good demands it, to form themselves into a joint board and proceed to organize their respective counties into a district for the establishment and support of a children's home, and to provide for the purchase of a suitable site and the erection of necessary buildings thereon, for the purposes contemplated and specified in the act to which this is supplementary.

Homes to be for benefit of residents of districts.

SEC. 2. That said children's home shall be for the use, protection and benefit of such persons resident of the district wherein located, and of similar persons resident of other counties, who may be admitted under the provisions, requirements and regulations of the act to which this is supplementary.

Annual meeting—board of trustees to be appointed.

SEC. 3. That at the first annual meeting of the joint board of commissioners for the several counties comprising a children's home district, which meeting shall be held thereafter on the first Tuesday of May of each year, there shall be appointed a board of five trustees for said district, who shall hold their office, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years; and annually thereafter said board of commissioners shall appoint one trustee, who shall hold his office for the term of five years, and until his successor shall be appointed and qualified.

Location of home—executive committee of board.

SEC. 4. That the board of trustees thus appointed shall have power to select a suitable site for the location of such home. Each county in the district shall be entitled to at least one trustee, and in districts composed of but two counties each county shall be entitled to not less than two trustees: Provided, the county wherein said children's home may be located shall have not less than two resident trustees, who, in the interim of the regular meetings of said board shall act as an executive committee in discharge of all legitimate business pertaining to said home. A majority of said board shall constitute a quorum, and their meetings shall be held quarterly. They shall receive no compensation for their services except their actual traveling expenses, which, when properly certified, shall be allowed and paid.

SEC. 5. The first cost of the home, and the cost of all

betterments and additions thereto, shall be paid by the counties composing the district, in proportion to the taxable property of each county, as shown by their respective duplicates, and the current expense of maintaining the home and the cost of ordinary repairs thereto shall be paid by the counties comprising the district in proportion to the number of children from each county maintained in the home during the year.

Costs, how
apportioned,
&c.

SEC. 6. That the commissioners of the several counties in this state, who shall meet by appointment to consider the propriety and expediency of organizing such district and the establishment of said children's home, shall, upon presentation of accounts properly certified, be paid their actual necessary expenses upon a warrant drawn for the same by the auditor of their county; such meeting to be held at the most central or convenient place of access.

Commission-
ers entitled
to payment
of expenses.

SEC. 7. That nothing in this act shall be so construed as to conflict or interfere, in any sense whatever, with the provisions of the act to which this is supplementary, or with any children's home which is now or may hereafter be organized thereunder.

No conflict
with previ-
ous laws.

SEC. 8. That this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

To amend section twenty-seven of an act relating to Roads and Highways, as amended by the act passed January 6, 1873.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-seven of the act entitled an act relating to roads and highways, passed March 9th, 1868, as amended by the act passed April 12th, 1870, and as amended by the act passed January 6th, 1872 [1873], be so amended as to read as follows:

Section 27. That any person or persons who shall receive a certificate as provided for in the foregoing section, shall present the same to the township trustees of the proper township at any regular or called session of said trustees, within twelve months after the taking and carrying away of such timber, stone or gravel, and the trustees being satisfied that the amount as aforesaid is just and equitable, shall cause the same to be paid out of the fund hereinafter provided for: Provided, that said certificate so allowed and paid by the trustees aforesaid shall not exceed twenty-five dollars to any

Certificates
for payment
of stone, tim-
ber, &c.

Tax to pay
certificates.

road district per annum; that any greater amount that may be presented shall be examined, and if allowed, shall be certified over by said trustees to the county commissioners of the proper county, with their accompanying vouchers, to be allowed by them if in their opinion the same is just and equitable, and said county commissioners shall cause the same to be paid out of the county funds for that purpose; and the township trustees are hereby authorized to levy annually upon the taxable property of their respective townships, in addition to the taxes now authorized by law, a tax sufficient to pay such certificates not exceeding twenty-five dollars to each road district in said township, which shall be certified, assessed and collected as other township taxes.

SEC. 2. That said original section twenty-seven, and section twenty-seven as amended April 12, 1870, and as amended January 6, 1873, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in full force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

To amend section six of the act entitled "An act relating to the organization of Courts of Justice, and their powers and duties," passed February 19, 1852, and amended May 16, 1868. (S. & C., 249) [S. & S., 249.]

SECTION 1. *Be [it] enacted by the General Assembly of the State of Ohio,* That section six of the above recited act be so amended as to read as follows:

Rules of
practice, &c.,
of supreme
court; order
of business.

Section 6. The supreme court shall have power to prescribe such rules for the regulation of its practice, the reservation of all questions and the transmission of cases from the district court or court of common pleas to the supreme court, and remanding the same, as may not be inconsistent with the laws of this state: Provided, that all cases now or hereafter pending in said court shall be disposed of in the order in which they are entered on the docket thereof; that all cases originally brought in or taken to said court by error or otherwise, shall be entered on the docket thereof in the order in which they are commenced, received or filed; and that no case shall be disposed of out of its order on said docket, except cases where the person seeking relief has been convicted of murder in the first degree, or of a crime the punishment of which is confinement in the penitentiary, or where such party is imprisoned in the penitentiary, or cases pend-

ing on reservation or involving the validity of any tax levied or assessment made, or the power to make such levy or assessment, on the construction or constitutionality of any statute where the question or questions arising are of general public interest, or questions of practice in inferior courts, or proceedings in quo-warranto, mandamus, procedendo or habeas corpus, or where a case is reached in its order and there are other cases on the docket involving the same questions or some of them; all such cases may be taken up and disposed of together: provided, also, that all proceedings in error arising in the same original suit which may have come or shall hereafter come to said court, shall be entitled to be heard and decided as of the date of the filing of the first proceeding in error in said original suit.

SEC. 2. Said section six be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

To repeal a certain act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled an act to confer additional power on the board of public works, to regulate and collect tolls on the Western Reserve and Maumee Roads, passed April 28, 1873, be and the same hereby is repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

Supplementary to an act entitled an act supplementary to an act entitled "An act authorizing the appointment of Metropolitan Police Commissioners in cities of the first class, with a population less than one hundred thousand inhabitants at the last federal census, passed April 5, 1866, as amended and supplemented April 7, 1868, and March 11, 1872, and to repeal an act therein named," passed March 29, 1873. (O. L., Vol. 70, p. 84.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of an act entitled "An act

Extension of
the provis-
ions of an
act to cer-
tain cities.

First election
under this
act.

Terms of
office to be
determined
by lot.

authorizing the appointment of metropolitan police commissioners in cities of the first class, with a population less than one hundred thousand inhabitants at the last federal census," passed April 5, 1866, as amended and supplemented April 2, 1868, and March 11, 1872, be and they are hereby extended, so far as the same are applicable, to cities of the second class having a population of more than thirty thousand and less than thirty-five thousand inhabitants at the last federal census: Provided, that at the first regular annual election after the passage of this act, in said cities of the second class having a population of more than thirty-one thousand at the last federal census, there shall be elected from the qualified electors in each of said cities, four freeholders, who, together with the mayor ex-officio, shall be the chief officers of said police, one of which commissioners so elected shall hold office for the term of one year, and which shall expire on the second Monday of April, 1875; one of which commissioners, so elected, shall hold office for the term of two years, and which shall expire on the second Monday of April, 1876; one of which commissioners so elected shall hold office for the term of three years, and shall expire on the second Monday of April, 1877; and one of which commissioners so elected shall hold office for the term of four years, and shall expire on the second Monday of April, 1878. The respective terms of office of such commissioners to be by them determined by lot: Provided, further, that the commissioners appointed under the provisions of the above recited act, shall continue in office until their successors are elected and qualified under this act, and all officers of police appointed by the commissioners appointed under the provisions of the above recited act, shall remain in office until the second Monday of April, 1874, and until the appointment of officers of police by the board of commissioners provided for by this act and no longer: provided, further, that the commissioners elected under the provisions of this act, shall be called "city" police commissioners.

SEC. 2. Section one of the above recited act be and the same is hereby repealed, so far as the same applies to said cities of the second class having a population of more than thirty-one thousand at the last federal census.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed April 3, 1874.

AN ACT

To amend sections nine and ten of an act entitled "An act for the organization and government of Municipal Corporations," passed May 7, 1867. (O. L., Vol. 66, pages 149-286.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections nine and ten of the above recited act be so amended as to read as follows :

Section 9. The inhabitants of any territory laid off into town or village lots, a plat of which has been made, acknowledged and recorded, and which territory is not adjoining any city or incorporated village, and that the inhabitants on any island or islands where two or more may be united for such purpose, shall not contain more than fifteen hundred acres of land, and are not adjoining any city or incorporated village, may be organized into an incorporated village, or an incorporated village for special purposes, in the following manner.

Section 10. Application for such purpose shall be made by petition in writing, signed by not less than thirty voters of this state, residing on such territory, island or islands, addressed to the commissioners of the county in which such territory, island or islands, shall be located.

SEC. 2. That said original sections nine (9) and ten (10) be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed April 4, 1874.

AN ACT

To amend section eight of an act entitled "An act amendatory of and supplementary to an act entitled an act to regulate Insurance Companies doing an insurance business in the State of Ohio, passed April 27, 1872," passed April 24, 1873. (O. L., Vol. 7 [70], page 147.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eight of the above entitled act be and the same is hereby amended so as to read as follows :

Section 8. It shall be lawful for any company organized under this chapter—

First—To insure houses, buildings and all other kinds of property, against loss or damage by fire and lightning, in and out of the state; and to make all kinds of insurance on goods, merchandise and other property in the course of transportation, whether on land or water, or on any vessel or boat, wherever the same may be.

Second—To make insurance on the health of individuals, and against personal injury, disablement or death, resulting from traveling or general accidents by land or water.

Organization of incorporated villages—territory that may be included.

Application therefor by petition.

Lawful business for insurance companies to do.

Third—To insure the fidelity of persons holding places of public or private trust.

Business confined to one purpose.

Fourth—To receive on deposit and insure the safe keeping of books, papers, moneys, stocks, bonds, and all kinds of personal property; to lend money on bottomry or respondentia, and to cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest which it may have in any property by means of any loan or loans which it may have made on mortgage, bottomry or respondentia, and generally to do and perform all other matters and things proper to promote these objects: Provided, that no company shall be organized to issue policies of insurance for more than one of the above four mentioned purposes, and no company that shall have been organized for either one of said purposes shall issue policies of insurance for any other.

SEC. 2. That section eight of the above recited act be and the same is hereby repealed.

SEC. 3 This act shall take effect and be in force from its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed April 13, 1874.

AN ACT

For the prosecution and punishment of certain offenses therein named.

Penalty for appropriating property consigned for storage, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any warehouseman, storage, forwarding or commission merchant, or his or their clerk or clerks, agents or employes, shall convert to his or their own use any fruit, grain, flour, beef, pork, live stock or poultry, or any other goods, wares or merchandise, or the proceeds or profits resulting from the sale of the same, otherwise than as instructed by the consignor of such goods, and shall not deliver over the proceeds or profits of said goods, after deducting the usual per cent. on sales as commissions, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than fifty dollars nor more than five hundred dollars, or shall be imprisoned in the county jail not more than one year nor less than ten days, or both, at the discretion of the court, and shall moreover be liable in double the amount of damages to the party injured.

SEC. 2. This act shall take effect and be in force on and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed April 13, 1874.

AN ACT

To amend section one of an act entitled "An act to enable associations of persons for building Hotels, and for other purposes, to become bodies corporate," passed April 5th, 1866, as amended by an act passed April 25th, 1868. (65 Vol. Ohio Laws, 108; S. & S., 198.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the act entitled "An act to enable associations of persons for building hotels, and for other purposes, to become bodies corporate," passed April 5, 1866, as amended by an act entitled "an act to amend section one of an act entitled 'an act to enable associations of persons for building hotels, and for other purposes, to become bodies corporate,' passed April 5, 1866, as amended by an act passed April 16, 1867;," passed April 25, 1868, be so amended as to read as follows:

Section 1. That any number of persons, not less than three, may associate themselves and become a corporation, as provided in the sixty-third, sixty-fourth and sixty-fifth sections of the act entitled "An act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, for the purpose of purchasing, constructing, using and maintaining a building or buildings to be used for hotels, store-rooms, manufacturing establishments, hospitals, tenement houses, or establishments for the treatment of invalids and for places of general public resort; and such company shall be authorized and empowered to acquire, hold, use and convey at pleasure, all such real and personal property as may be necessary and convenient to carry into effect the object of the incorporation, and to purchase, construct, establish and maintain suitable buildings and other structures, grounds, walks, drives and other necessary appendages for the purposes hereinbefore named, and to make all contracts, purchases, sales, conveyances, mortgages and leases necessary to conduct the said business, and to manage the property and to dispose of the same to the same extent as is lawful for individuals.

SEC. 2. That section one, as amended April 25, 1868, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed April 13, 1874.

How hotel companies, &c., incorporated.

Acquiring and holding property, &c.

AN ACT

To amend section three hundred and thirteen of the Code of Civil Procedure, as amended May 2, A. D. 1871, (Ohio Laws, Vol. 68, pages 127 and 128.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three hundred and thirteen (313) of the code of civil procedure, be amended so as to read as follows :

What parties shall not be allowed to testify.

Section 313. No party to a civil action shall be allowed to testify, by virtue of section 310, in any action where the adverse party is the guardian or trustee of a child or children of a deceased person, or of an idiot, lunatic or imbecile, or of a deaf and dumb person, or is the executor or administrator of a deceased person, except in the following cases : Provided that nothing herein contained shall be so construed as to prevent any and all the heirs, grantees and legatees from testifying in cases to contest the validity of, or to set aside a will or deed of any ancestor or grantor under whom they may claim title.

Exceptional cases.

1st. In actions with an executor, administrator, guardian, or trustees of infants, as above specified, a party may testify to facts which occurred after the death of the decedent or parent, and in actions with a guardian of an idiot or a lunatic as above specified, a party may testify to facts which occurred after the appointment of such guardian.

2d. In actions upon contracts made by deceased persons through agents, and in which the agent shall testify, a party may testify to all that transpired between him and the agent in relation to such contracts, and the making thereof, and in relation to any conversations or transactions between himself and such agent testified to by the agent.

3d. In actions of either of the classes above specified in which any adverse party, or any person having a direct interest in the matter in controversy, shall be called as a witness and to testify to transactions or conversations with a party to such action, such party shall also be permitted to testify as to such specific transactions and conversation.

4th. In actions of either of the classes above specified, in which one party calls a witness other than an agent acting as such, or one interested to prove conversations or admissions of the opposite party, occurring before the death of said deceased person, the opposite party may testify to the same conversations or admissions.

5th. In actions of either of the classes above specified, in which the claim or defense is founded on book accounts, a party may testify to his account-book that the same is a book of original entries, that the entries in the same were made by himself or by a deceased person, or by a disinterested person, non-resident of the state at the time of trial, and on such authentication of the account-book and entries, said book and entries shall be admissible evidence in the case.

6th. If the deposition of a party who has died during the pending of a suit shall be given in evidence on the trial of

such case, the opposite party may testify as to all matters and things contained in said deposition and not excluded for irrelevancy or inadmissibility. In all actions by or against a surviving partner or partners, or a surviving joint contractor or contractors, no adverse party to the suit shall be a competent witness to testify to transactions which took place with, or declarations or admissions made by the deceased partner or joint contractor, in the absence of his surviving partner, or joint contractor.

7th. In actions brought by executors or administrators under an act passed March 25, 1851, entitled an act requiring compensation for causing death by wrongful act, neglect or default, and all acts amendatory and supplementary thereto.

SEC. 2. Said original section three hundred and thirteen is hereby repealed.

SEC. 3. This act shall be in force from its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed April 13, 1874.

AN ACT

To authorize certain Incorporated Companies to hold property and carry on business in any county in the State and beyond the limits thereof, and also to take stock in other companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any company incorporated, or which may be incorporated under the laws of this state, for the purpose of mining or boring for petroleum or rock oil, or coal oil, salt or other vegetable or mineral fluid in the earth, or for refining or purifying the same, quarrying stone, or marble, or slate, mining coal, iron, copper, lead or other minerals, or manufacturing the same, or for manufacturing cotton or woolen fabrics, in whole or in part, or both, and carrying on business connected with the main objects of such corporation, may, in its corporate name, take, hold and convey in any county in this state, such real and personal estate as is necessary or convenient for the purpose for which it was incorporated, and upon causing its original certificate of incorporation to be recorded by the recorder of such county, may there carry on its business or so much thereof as is convenient, and may also carry on its business or so much thereof as is convenient beyond the limits of this state, and may there hold any real or personal estate necessary or convenient for conducting the same.

What real and personal estate incorporated companies may own, etc.

Where business may be transacted.

SEC. 2. That it shall be lawful for the directors of any such company to authorize its president or other proper officer to purchase or subscribe for, and in the name of the

President
may be
authorized
to purchase
stock, etc.

company, such an amount of the stocks of any railroad or other transportation company as they shall deem necessary, in order to procure proper facilities for transportation for the manufactories, mines or other works of the company: Provided, that the written consent of the holders of two-thirds the capital stock of the company is first had, authorizing such subscription or purchase.

Repeal.

SEC. 3. That section one of the act passed April 26, 1873, (70 Laws, 174,) entitled "an act to amend section one of an act entitled an act to amend section one of an act passed and took effect April 13, 1865, (52 Vol. Stat., 143, S. & S., 166), entitled an act to authorize companies incorporated under the laws of this state to hold personal and real property, and to carry on business beyond the limits of the state, passed May 1, 1871, (O. L., Vol. 68, p. 97,) be and the same is hereby repealed.

SEC. 4. This act shall take effect on and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed April 13, 1874.

AN ACT

To amend section two (2) of "An act to establish a Code of Criminal Procedure for the State of Ohio," passed May 6, 1869, took effect August 1st, 1869. (O. L., Vol. 66, p. 287.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the act entitled "An act to establish a code of criminal procedure for the State of Ohio," passed May 6, 1867, be so amended as to read as follows:

Proceedings
when party
complained
of is brought
before a
magistrate.

Section 2. When the party complained of shall be brought before the magistrate, he shall be heard in his defense, and all witnesses produced shall be examined upon oath, and if upon such examination the magistrate shall be of opinion there is just cause for the complaint, he shall order the person complained of to enter into recognizance, with good and sufficient security, in any sum not less than fifty dollars nor more than five hundred dollars, for his appearance before the court of common pleas on the first day of the next term thereof, and in the mean time he shall keep the peace and be of good behavior generally, and especially toward the person complaining: Provided, that in counties wherein the probate court has jurisdiction of minor crimes and offenses, the recognizance shall be for his or her appearance before the probate court at the next term thereof for the trial of criminal cases, or if said court be in session at the time said recogni-

Recogni-
zance in pro-
bate court.

zance is entered into, or commitment made, and a transcript filed, said recognizance or commitment shall not thereby become void, but the defendant appearing in said court may, with the consent of the prosecuting attorney, be tried at the then present term of said court.

SEC. 2. That said original section two [2] is hereby repealed, and this act shall take effect on its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed April 13, 1874.

AN ACT

Supplementary to an act passed April 30, 1869 (O. L., Vol. 66, p. 68), entitled an act to amend section four of an act entitled an act for opening and regulating Roads and Highways, passed January 27, 1853. (S. & C., page 1290.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That previous to any petitions being presented for the alteration or vacation of any state road, the same notices shall be given within the county in which said alteration or vacation is sought to be made, as are required to be given in application for laying out, altering or vacating county roads, as provided in said section four of the act to which this is supplementary.

Notice to be given of alteration or vacation of state road.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 15, 1874.

AN ACT

To amend section four hundred and thirty-five and four hundred and thirty-six of an act entitled "An act to provide for the organization and government of Municipal Corporations," passed May 7, 1869 (66 Ohio Laws, pages 149-221), and section four hundred and thirty-five as amended April 18, 1870 (67 Ohio Laws, pages 68-86.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections four hundred and thirty five and four hundred and thirty-six of the act entitled "An act to provide for the organization and government of municipal

corporations," passed May 7, 1869, and section four hundred and thirty-five as amended April 18, 1870 (67 Ohio Laws, pages 68-86), be amended so as to read as follows:

Authority of
council to
order im-
provement
of streets.

Board of im-
provements.

Keeping in
repair of
streets, &c.

Sprinkling
of streets.

Section 435. On the written petition of the owners of more than two-thirds of the feet front, on any street or part thereof, the council of any city of the second class or incorporated village, may, after complying with sections five hundred and sixty-three to five hundred and seventy-five of this act, inclusive, when the same is applicable by ordinance, provide for the improvement of such street or part thereof, in the mode set forth in said petition: Provided, such improvement does not involve the condemnation and appropriation of real estate. When such ordinance is enacted, said council may designate two of the petitioners, who, with the corporation engineer, shall constitute a board, and after said improvement shall have been contracted for by said council, according to the provisions of this act, said board shall supervise and control the execution thereof, and all orders, reports, certificates or other acts now required of said engineer, or made during the progress of said work, shall be concurred in by a majority of said board; said two petitioners selected by said council shall act without compensation.

On a like petition of the owners of more than two-thirds of the feet front on any street or part thereof, said council may provide by ordinance for keeping in repair any street or part thereof, which has been or may be improved under this section or any other of the provisions of this act; also, for planting and taking care of shade trees, and also for sprinkling with water such streets or parts thereof. One or more of said objects may be embraced in one petition or ordinance, and may also be included in the petition and ordinance for the improvement of such streets or part thereof. And said council may, in such ordinance, designate two of the petitioners, who, with the corporation engineer, shall constitute a board, under whose supervision and direction the keeping in repair of such street or part thereof, planting and taking care of shade trees and sprinkling of said street or part thereof shall be done. And said board, in carrying out the purpose of said ordinance, may make such contract or contracts as they may deem best; but no contract shall be made for a longer time than one year, which said two petitioners selected by said council shall act without compensation: Provided, that on the written petition of the owners of not less than two-thirds of the feet front of the land fronting on any street, or any specified part thereof, the council of any city of the first class may order such street or specified part thereof to be sprinkled with water at such time or times as the council may deem proper, and such sprinkling may be done by contract in each case or for the entire city, or specified part thereof, or may be performed by the city in connection with the street cleaning department.

Section 436. The boards provided for in section four hundred and thirty-five shall make an estimate of the expense to be incurred in making any improvement or repair, or per

forming any work they are selected to supervise, or of so much as may be necessary in any one year, in which said repairs or improvement or work may be in progress, and report the same to said council, who shall charge the same on the lands or lots abutting on said street or part thereof, either according to the valuation of such lands or lots as listed for taxation, or by the foot front, which charge may be made by one or more assessments, and the payment of such assessments, with interest, may be enforced by suit in the name of the corporation against the owners of such lands or lots, or if not paid, they may be certified to the county auditor, and by him placed on the county duplicate and collected as other taxes are or may be. The amount thus collected shall be a separate fund for the exclusive use for which it was assessed, and shall be paid out on the warrant of the city clerk on the treasury, upon the approval of a majority of said board. The word "street" whenever used in this and the preceding section, shall be deemed and held to include alleys: Provided, that to pay the expense of sprinkling in cities of the first class, the council may make assessments on the lands abutting on such street or specified part thereof, either on the valuation thereof, as listed for taxation, or by the foot front, and such assessment may be enforced by suit against the owner or occupant of such lands or part thereof, or certified to the county auditor, and by him placed on the county duplicate and collected by the county treasurer, as other taxes are or may be collected: Provided, that this section shall not apply for sprinkling purposes to premises held and used by any religious society exclusively as a place of public worship, unless such society shall have joined in the petition for such sprinkling.

Estimates of
expense of
improve-
ment and
repair.

Fund for im-
provement,
&c.

Expense for
sprinkling.

SEC. 2. Said original sections four hundred and thirty-five and four hundred and thirty-six, and section four hundred and thirty-five as amended by the act passed April 18, 1870, (O. L., Vol. 67, pages 68-86) are hereby repealed, and this act shall take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 15, 1874.

AN ACT

To amend sections two and fourteen of an act regulating the mode of administering assignments in trust for the benefit of creditors, passed and took effect April 6th, 1859. (S. & C., 709-712.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above recited act be so amended as to read as follows:

Section 2. If any assignee, as aforesaid, shall not, within

Removal of assignee for failure to do his duty.

ten days after his nomination to such trust, comply with the provisions of the first section of this act, it shall be the duty of the probate judge, on application of the assignor or any one or more of his creditors, to remove the said assignee and appoint another in his stead, who shall thereupon immediately comply with the provisions of the foregoing section ; and the probate judge shall make and enforce all necessary orders to put the said trustee so appointed into possession of any property, money, rights or credits belonging to the assignor at the time he made said assignment. And in case the trustee so removed shall fail to comply with any orders so made, or shall fail or refuse to pay over all moneys and deliver all property which may have come into his hands as such assignee, the trustee so appointed may proceed by civil action in the court of common pleas to recover the same.

SEC. 2. That section 14 of said act be so amended as to read as follows :

Election of assignees on petition of creditors.

Section 14. That whenever a petition properly verified, signed by creditors whose claims against the estate of the debtor amounts to the sum of one thousand dollars or upwards, shall be filed in the probate court, praying for permission to elect an assignee or assignees of the estate of the debtor, it shall be the duty of the probate judge to cause printed or written notices to be served by mail or personally, upon all creditors named in the schedule filed in said court, or whose names may be given to him by the debtor, or any creditor, which notice shall specify the time when the creditors will meet at the office of said probate judge for such election. That on the day mentioned in said notice, if creditors representing fifty per centum or more of the debts of the assignor, shall appear in person or by attorney, said creditors may proceed to choose one or more assignees of the estate of the debtor, the choice to be made by the greater part in value and number of the creditors who are thus present at said meeting, which choice shall be subject to the approval of the court. The said choice or election shall be evidenced in writing, signed by the creditors so making the election, and filed with the court. Thereupon, if within ten days the assignee or assignees shall personally appear in said court, accept the trust and give bond, as provided in the first section of this act, the said assignee or assignees shall succeed to all the rights and privileges, and be subject to all the duties and liabilities, of any preceding assignee, and the rights, privileges and powers of any preceding assignee shall thereupon cease and determine. The court shall make and enforce all necessary orders to put the said assignee or assignees into possession of all property, moneys, rights or credits belonging to the assignor covered by the assignment. The assignee or assignees thus chosen and qualified, shall have power, by suit in the court of common pleas or otherwise, to compel the delivery of all the property, moneys, rights and credits of the assignor covered by the assignment in the hands or under the control of the preceding assignee, and of all books and papers of the assignor to them. The probate judge shall have the right at any time to remove any assignee for good cause, and to appoint an-

Court to enforce possession of new assignees.

Powers of assignees.

Duty of probate judge.

other in his stead, and to make and enforce all orders necessary to cause the property and effects to be delivered to the new trustee, and to require new undertakings with additional sureties; and an application made by any surety or sureties of any assignee may, if satisfied of the reasonableness of such application, discharge such surety or sureties from further liability, and require that said trustee shall be removed or give new sureties.

SEC. 3. This act shall apply to all assignments heretofore made, and to all cases now pending in any court of this state. Application.

SEC. 4. That original sections number two and fourteen, to which this is an amendment, be and the same are hereby repealed.

SEC. 5. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

AN ACT

Supplementary to an act entitled "An act to authorize County Treasurers to pay out money to Township Treasurers, City Treasurers, Treasurers of Incorporated Villages and Treasurers of Boards of Education in advance," passed April 29th, 1873. (O. L., Vol. 70.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of the above recited act shall also apply to the taxes collected for and in behalf of the state; and the comptroller is hereby authorized to issue his draft to each county treasurer in this state within the same times and for the same proportion of taxes as is provided for the other funds in the act to which this is supplementary; and the payment of said drafts by said county treasurers shall be considered as advance payment of the taxes due the state, and accounted for at the semi-annual and annual settlement of said officers with the auditor of state.

Provisions as to taxes collected for the state.

SEC. 2. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

AN ACT

To amend section No. 141 of an act entitled "An act to provide for the organization and government of Municipal Corporations," passed May 7, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section No. 141 of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, be so amended as to read as follows :

Duties of
marshal.

Section 141. He shall execute and return all writs and process to him directed by the mayor, and shall, by himself or deputy, attend on the sittings of said court to execute the orders and process thereof, and to preserve order therein, and his jurisdiction and that of his deputies in the execution of all such writs and process, and in criminal cases, and in all cases of a violation of the ordinances of the corporation, shall be co-extensive with the county, and in civil cases shall be co-extensive with the limits of the corporation.

SEC. 2. Said original section 141 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

AN ACT

To exempt from execution or seizure any fund set apart by Benevolent Associations or Societies for the families of deceased members.

Beneficiary
funds to be
exempt from
execution.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That where any benevolent association or society shall, according to the rules, regulations or by-laws of such association or society, set apart or appropriate a beneficiary fund to be paid over to the families of deceased members, or to any member of said families, any such fund, not exceeding the sum of five thousand dollars, so provided and set apart, according to the rules, regulations or by-laws of said association or society, to the family of any deceased member, or to any member of said family, shall be exempt from execution, and shall, under no circumstances be liable to be seized, taken or appropriated by any legal or equitable process to pay any debt of such deceased member.

SEC. 2. This act to be in force and to take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

AN ACT

To change the time for holding the second term of the Court of Common Pleas for the year 1874, for the county of Ashland.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time for holding the second term of the court of common pleas for the year 1874 in the county of Ashland, as fixed by the judges of the sixth judicial district, be and the same is hereby changed, and that said term shall be held on the 17th day of August instead of the 13th day of July in said year, as fixed by said judges.

Change of
time to 17th
of August.

SEC. 2. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

AN ACT

To change the time fixed for holding the second term of the Court of Common Pleas for the year 1874, in the county of Shelby.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time for holding the second term of the court of common pleas for the year 1874, in the county of Shelby, as fixed by the judges of the third judicial district, be and the same is hereby changed, and that said term be held on the ninth (9th) day of June, instead of the 5th day of May, in said year, as fixed by said judges.

Change of
time to 9th
of June.

SEC. 2. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

AN ACT

To amend section one hundred and sixty-one of an act entitled "An act to provide for the settlement of the estates of deceased persons," passed March 23, 1840. (S. & C., p. 597.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one hundred and sixty-one of the above recited act be so amended as to read as follows:

Executor or
adminis-
trator to
render an
account, etc.

Section 161. Every executor or administrator shall, within eighteen months after having given bond for the discharge of his trust, render his account of his administration upon oath, and he shall in like manner render such further accounts of his administration, from time to time, and every twelve months thereafter; and, also, at such other times as may be required by the court until the estate shall be wholly settled; and he may be examined on oath upon any matter relating to his accounts, the payments therein mentioned, and also touching any property or effects of the deceased, which have come to his hands: Provided, that when an executor or administrator has died or may hereafter die, before the estate is fully administered, it shall be the duty of the executor or administrator of such deceased executor or administrator, to render a final account of such decedent's administration within six months after his appointment.

SEC. 2. That said original section one hundred and sixty-one be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

AN ACT

To amend the act entitled "An act to establish and maintain an Agricultural and Mechanical College in Ohio," passed 22d March, 1870. (O. L., Vol. 67, p. 20.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the second section of the act entitled an act to establish and maintain an agricultural and mechanical college in Ohio, passed March 22, 1870 (67 O. L., 20), be and the same is hereby so amended as to read as follows:

Board of
trustees of
five mem-
bers, to be
appointed by
the gover-
nor.

Section 2. The government of said college shall be vested in a board of trustees to consist of five members, who shall be appointed by the governor of the state of Ohio, by and with the advice and consent of the Senate. No trustee, or relation of any trustee, by blood or marriage, shall be elected or appointed to a professorship or any other office or position in the college, the compensation for which is to be paid out of the state treasury or the agricultural and mechanical college fund, except upon the approval of the governor.

SEC. 2. That section three of said act be so amended as to read as follows:

Term of
office of trus-
tees.

Section 3. The members of the board of trustees and their successors shall hold their office for the term of five years from the first day of May, 1874: Provided, that one of

said trustees shall hold his office for one, one for two, one for three, one for four and one for five years, said terms to be designated by the governor in making said appointments, and at the expiration of the first year, and every successive year thereafter, one trustee for five years shall in like manner be appointed. In case any vacancy occurs, by death or otherwise, the appointment shall be for the unexpired term. The trustees shall receive no compensation for their services, but shall be entitled to reasonable and necessary expenses while in the discharge of their official duties.

SEC. 3. Sections two, three and six of said act are hereby repealed.

SEC. 4. This act shall take effect from and after the first day of May, 1874.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

AN ACT

To amend section twenty-nine of an act establishing the Superior Court for the city of Cleveland, passed May 5, 1873. (Ohio Laws, page 302.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty-nine of the above mentioned act be amended so as to read as follows :

Section 29. That the territorial jurisdiction of said court, except as otherwise provided, shall be co-extensive with the territorial limits of said city of Cleveland, and in all cases when one or more of the defendants reside within the territorial limits of said city of Cleveland, and in all cases of foreclosure of liens and mortgages embracing land situate partly within and partly without said city of Cleveland, said court shall have the same jurisdiction as if said lands were situate wholly within said city. "But said court shall not have jurisdiction in any case where all of the defendants reside outside of the limits of said city of Cleveland, and any summons or other process issued by said court, and served upon any such defendant or defendants within the limits of said city of Cleveland, shall be null and void and of no effect."

Territorial
limit of jur-
isdiction in
certain cases.

SEC. 2. That section twenty-nine of the act to which this act is amendatory be and the same is hereby repealed.

SEC. 3. This act to take effect on and after its passage.

MILTON MCCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

AN ACT

To authorize the issuing of bonds and to regulate the making of contracts in certain cities.

Power to
issue bonds
to a certain
extent.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any city of the first class having a population over two hundred thousand, shall have power and is hereby authorized to issue the bonds of said city in sums of one thousand dollars each, to an amount not exceeding one million of dollars, payable at the pleasure of the said city after thirty years from the date thereof; said bonds shall be executed in the usual manner of executing bonds by the said city hitherto, and shall bear interest at a rate not exceeding seven per cent. per annum, payable half-yearly, and shall not be disposed of at less than the par value of said bonds, and shall be payable, principal and interest, at the treasury of said city; the said bonds shall be used only for the purpose of paying off the present floating debt of said city in manner and form as hereinafter directed, and shall be made payable to the treasurer of said city or bearer, and it shall be certified on each bond by him that it is one of the series of bonds authorized under this act.

Commission
on floating
debt; duties,
etc.

SEC. 2. The treasurer of said city, with two other respectable and disinterested citizens of said city (who are not members of the city council or board of aldermen of said city), to be appointed by the superior court of the said city, if there be such court, and if not, by the court of common pleas of the county in which said city may be situate, shall constitute a commission, under the authority of this act, to ascertain the present floating debt of said city, and by whom bona fide held, and to whom payable, to an amount not exceeding one million of dollars, and when ascertained, the amount of bonds hereby authorized necessary to discharge and pay the same shall be executed, in manner and form as aforesaid, and delivered to said commission, to be disposed of as aforesaid, and to place the proceeds thereof in the city treasury of said city, to be applied by the said treasurer to pay the said floating debt. In ascertaining said indebtedness the said commissioners shall allow no part thereof to any party who has employed any member of said city council or board of aldermen as his attorney or counsel, that would go to such member as fees for services in collecting the same. Said commissioners shall be sworn to faithfully execute the trusts devolved upon them by this act, and to do equal and exact justice to all the parties concerned, and shall receive no compensation for the services they may render in the premises.

No ordinance
for expenditure
of money to be
issued by
any other authority,
except for specific
purposes.

SEC. 3. From the taking effect of this act no ordinance or other order for the expenditure of money shall be passed by the city council, or any board, or any officer, or any commissioner having control over the moneys of the city, without stating specifically in such ordinance or order the items of expense to be made under it, and no such ordinance or order shall take effect until the auditor of said city shall certify to

the city council there is money in the treasury especially set apart to meet such expenditure, and all expenditures greater than the amount specified in such ordinance or order shall be absolutely void, and no party whatever shall have any claim or demand against said city therefor; nor shall the city council, or any board, or any officer, or any commissioner of said city have any power to waive or qualify the limits fixed by such ordinance or order, or fasten upon said city any liability whatever for any excess of such limits, or release any party from an exact compliance with his contract under such ordinance or order, nor shall any member of the city council or board of aldermen of said city, or any board, or any officer, or any commissioner of said city, have or hold any interest in any contract executed on behalf of said city, nor any interest in the expenditure of any money on the part of said city in any shape or form whatever other than his fixed compensation; and any violation of the provisions of this act shall disqualify the party violating them from holding any office of trust or profit in said city, and render him liable to said city for all sums of money or other things he may receive against the provisions of this act, and if in office, he shall be dismissed therefrom.

Penalty for violation of terms of this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

AN ACT

To amend an act entitled "An act limiting the compensation of certain officers therein named," passed 6th April, 1870 (O. L., Vol. 67, page 36), and repealing section one of said act; and to amend section five of said act as amended by an act entitled "An act to amend an act limiting the compensation of certain officers therein named," passed 14th February, 1873 (O. L., Vol. 70, page 26), and repealing said section five.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above named sections one and five of the above recited act be and hereby are amended to read as follows:

Section 1. That the fees, costs, percentages, penalties, allowances, and all other perquisites of whatever kind, which by any law the clerk of any court, probate judge, sheriff, either as such or as special master commissioner or receiver in any case, treasurer, auditor, recorder and coroner in every county in this state having a population of two hundred

Fees, costs, etc., of county officers, to be collected and accounted for as public moneys.

thousand inhabitants or more, as shown by the last federal census, is or hereafter may be authorized to charge, receive and collect for any official services rendered by him or them, shall hereafter be received and collected by the said officers respectively, to and for the sole use of the county treasury of their respective counties as public moneys belonging to said counties, and not otherwise, and shall be accounted for and paid over as such in the manner hereinafter provided.

SEC. 2. That section five of the above recited act, as amended by an act entitled "An act to amend an act limiting the compensation of certain officers therein named," passed 14th February, 1873, and repealing certain sections of said act (O. L., Vol. 70, p. 26), be and hereby is amended to read as follows:

Compensation to be paid to county officers.

Section 5. That after deducting from the whole amount of the costs, fees, percentages, penalties, allowances and perquisites collected by said officers collectively during each year, the amount allowed and paid for the compensation of deputies, clerks, book-keepers and other assistants, and other necessary expenses of said officers, each shall be allowed to receive an annual compensation for his services, out of the costs, fees, percentages, allowances, perquisites and penalties so collected and paid into the fee fund, as follows:

Clerk, five thousand dollars; sheriff, five thousand dollars; treasurer, seven thousand dollars; auditor, five thousand dollars; recorder, three thousand five hundred dollars; probate judge, five thousand dollars; and coroner, three thousand dollars, which sum shall be paid to them quarterly out of the fee fund, upon the warrant of the county auditor, it being the intent and meaning of this act to limit the maximum annual compensation, from every source, of the officers named in the first section of this act, to the sums named in this section.

SEC. 3. That said sections one and five of the above named act be and are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 16, 1874.

AN ACT

To prevent the sale of intoxicating liquors at or near the Ohio Soldiers' and Sailors' Orphans' Home, or within two miles of the boundary line of the Reform Farm, near Lancaster.

Intoxicating liquor must not be sold within twelve hundred yards of the Home.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person, by agent or otherwise, to sell intoxicating liquors at or within twelve hundred yards of the administration or main central building of the Ohio Soldiers' and Sailors' Orphans' Home,

or within two miles of the boundary lines of the Ohio Reform Farm, located south of Lancaster, Fairfield county; and every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof be fined in any sum not less than ten nor more than one hundred dollars, or be imprisoned in the county jail not exceeding thirty days, or both, at the discretion of the court; and the place wherein such intoxicating liquors are or may be sold in violation of this act, may, on conviction of the owner or keeper thereof, as aforesaid, be shut up and abated as a nuisance by order of the court.

Or within two miles of the Reform Farm.

SEC. 2. That this act shall take effect from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 16, 1874.

AN ACT

Supplementary to the several acts relating to the collection of Delinquent Taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any taxes shall stand charged against any person or corporation upon the tax duplicate of any county of this state, for state, county, or any other purposes authorized by law, and the same shall not be paid within the time prescribed for the payment of taxes, the treasurer of such county, in addition to any other remedies provided by law for the collection of taxes, is hereby authorized to commence a civil action, in the name of the treasurer of such county, against any such person or corporation for the recovery of such unpaid taxes, in any of the courts of this state having jurisdiction of the subject matter; and it shall be sufficient for such treasurer to allege, in his petition, that such person or corporation stands charged upon the duplicate of said county with said taxes, that the same are due and unpaid, and that such person or corporation is indebted in the amount appearing to be due upon said duplicate, without setting forth in his said petition any other or further special matter relating thereto; and if on the trial of said action it shall be found that such person or corporation is so indebted, judgment shall be rendered in favor of such treasurer so prosecuting said action as in other cases; and the judgment debtor shall not be entitled to the benefit of the laws for stay of execution, or exempting homesteads or any other property from levy or sale on execution, in enforcing any such judgment.

Collection of delinquent taxes of corporations, etc., by civil action, etc.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

AN ACT

To enable the Common Council of any city or incorporated village in this State having a population of twenty-five hundred inhabitants or more, through which any of the Canals of this State may run, or for the Board of County Commissioners of the county in which such city or incorporated village may be situate, to construct and maintain for public use a Swing Bridge, or Self-closing Bridge, on any highway where the same crosses such canal within the territory of said city or incorporated village.

Council of city or village or county commissioners may erect a swing bridge over a canal.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases where it shall be deemed necessary to construct a bridge upon any street, road or public highway across any of the canals in this state, in any city or incorporated village having, by the last preceding federal census, a population of twenty-five hundred inhabitants or more, it shall be lawful for the council of such city or incorporated village, or for the board of county commissioners of the county in which such city or incorporated village may be situate, and having lawful authority to construct or erect a bridge on such road, street or public highway, where the same crosses such canal, to construct, erect, maintain and keep up for public use a swing bridge, or self-closing bridge, upon such street, road or public highway at such place: Provided, however, that no such bridge shall be so constructed or erected without first obtaining, for the model and location thereof, the consent in writing of the board of public works, and the lessees of the public works.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

AN ACT

To amend section one of an act entitled "An act providing for inclosing Railroads by Fences and Cattle-guards," as amended April 26, 1871. (Laws of 1871, page 78.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be amended so as to read as follows :

Section 1. That any railroad company, or other party having control or management of a railroad, the whole or a part of which is now or shall be in this state, is hereby required, at their own expense, to construct good and sufficient fence to turn stock along the whole line, except as hereinafter provided, on both sides of said railroad, within six months after the passage of this act, along the line of the lands of the railroad, in operation at the date of the passage of this act, which then have not been fenced as required by this act, and within six months from the time cars are commenced to be run for the transportation of passengers or freight, on all railroads that have not commenced running regular trains at the date of the passage of this act, and at their own expense to keep said fences up in good repair thereafter; and also to make and maintain safe and sufficient crossings of good width at every point where any public road, street, lane or highway may cross said railroad, that is or may be used by the public, with the necessary cattle-guards on each side of said crossings, to prevent cattle or other domestic animals from endangering themselves and the lives of passengers by getting upon such railroads; and every such railroad company or party shall be liable for all damages sustained in person or property in any manner by reason of the want or insufficiency of any such fence, crossing or cattle-guard, or any carelessness or neglect of said company, their agent or agents, in constructing or keeping the same in repair. And any farmer or person owning fifteen or more acres of land in one body through which such railroad may or does pass, and which is so situate that the owner thereof cannot use one of said crossings in a public street, road, lane or highway, over said railroad in passing from his land on one side of said railroad to that of the other without great inconvenience, then said company or party operating said road shall, at the request of said land-owner, within four months after such request, at the expense of such company or party, construct a good and sufficient private crossing over said railroad and the lands occupied by the company between the two pieces of land of said land-owner, to enable him to pass with a loaded team, and over which said land-owner shall have the privilege of passing at all times when the company is not using their road at said crossing, or so near as to render it dangerous crossing there. If said railroad company or other party shall neglect or refuse to construct said fences within the time fixed in this act, then and at any time after the expiration of six months, the owner of any land abutting

Fences must be constructed within six months.

Also, road crossings and cattle-guards.

Liability for damages.

Private crossings.

If neglected
by company,
land-owners
may con-
struct, etc.

Fences, etc.,
must be kept
in repair.

Land-owner
may con-
struct cross-
ing after four
months.

on the line of the land of said railroad line, may construct the fence herein provided, so far as his land abuts on said railroad lands, and when he has completed said fence he may make an itemized account of the material, labor and cost of constructing said fence, and present it for payment to the agent of said company for receiving and shipping freight at the station nearest said tract of land fenced as aforesaid; if said company or other party neglect or refuse to pay the same for thirty days, then the person constructing said fence may recover the costs and expense of constructing the same from the owner of the road in any court having jurisdiction of the same; and when said fence is completed it shall be the duty of the company to keep the same in good repair, and if any such company or other party shall permit any part of the fence on the line of its road to get out of repair so that it will not turn stock, the owner of the land abutting on said railroad lands where such fence is out of repair as aforesaid, may notify the agent of the company for receiving and shipping freight, at the station on said road nearest to the place where said fence is out of repair, that a portion of the fence on the line of the road is out of repair, stating where, how, and the probable cost of repairing the same, and if said company or party shall fail for twenty-four hours to repair said fence so that it will turn stock, then it shall be lawful for the owner of said land to furnish materials and repair the same, and present an itemized account of the materials, labor and expense of repairing said fence to said agent at the station nearest the place where said repairs were made, for payment, and if the same shall not be paid within thirty days thereafter, then the person repairing said fence may recover from the owner of said road the cost and expense of said repairs before any court having jurisdiction thereof. And the lessee of any railroad shall, for the purposes of this act, be deemed the owner of said road. And if such railroad company or party shall neglect, for four months after request by any such land-owner for that purpose to construct a good and sufficient private crossing for him as herein provided, it shall be lawful for such land-owner, after having given reasonable notice to the agent of the company for receiving and shipping freight at the station on said railroad nearest to the land where it is proposed to construct such private crossing, of the time when such land-owner shall proceed to construct such crossing, to enter upon the lands of such company at any point he may desire between his lands, and construct a good and sufficient private crossing; and said company or party shall be liable to such person for all the expense thereof, not exceeding the sum of fifty dollars, and he may recover the same in an action against said company or party before any court having jurisdiction thereof: Provided further, that this act, so far as it relates to fences or private crossings, shall not apply to any case in which compensation for building a fence or fences or a private crossing was or shall hereafter be taken into consideration, and estimated as a part of the consideration to be paid for the right of way, so far as the fence or right to private crossing were or shall

be settled or paid for; provided further, that any owner of lands abutting on the line of the lands of any railroad company who has or may become legally bound in any manner to build or repair the fence or fences dividing his lands from the lands of the company, and who has neglected or refused, or shall neglect or refuse, to build or repair said fence or fences within the time in which he is or shall be bound to build or repair the same, then it shall be lawful for said company to build or repair said fence or fences, and present an itemized account of the cost of labor and materials expended in constructing or repairing said fence to the person bound to build or repair the same, for payment, and if the same is not settled or paid within thirty days thereafter, then the company may recover from said person the reasonable cost of constructing and furnishing materials for said fence before any court having jurisdiction thereof.

Company may construct, etc., in default of land-owner.

SEC. 2. Section one of said act, passed April 26th, 1871, amending section one of an act entitled "An act providing for inclosing railroads by fences and cattle-guards," passed March 25th, 1859, is hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 18, 1874.

AN ACT

To provide for the more economical management and better regulation of the Institution for the Education of the Blind, and to repeal certain acts therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That immediately after the passage of this act, the governor, with the advice and consent of the senate, shall appoint a board of trustees for the institution for the education of the blind, consisting of three persons, one of whom shall serve for one year, one for two years, and one for three years; and as their respective terms of service shall expire, their successors shall be appointed for the term of three years in the manner herein provided. At least one of said trustees shall reside in the city of Columbus, Ohio. In case vacancies shall occur in said board, the governor shall have power, as herein provided, to fill such vacancies for the unexpired term thereof; and if the senate be not in session at the time, he shall submit such appointment to the senate for its approval at its next session. Before entering upon their respective duties, each of said trustees, steward, physician, superintendent and matron, herein provided for,

Governor to appoint a board of trustees.

Oath of officers, etc.

shall take and subscribe an oath or affirmation to support the constitution of the United States and of the state of Ohio, and also faithfully and honestly to discharge all and singular the duties of such trust, and in all things to protect the interests of the state to the best of his or her skill and ability, which oath shall be filed in the office of the governor. Said trustees shall perform their duties gratuitously, provided they shall have their necessary expenses paid during the time they are actually engaged in the discharge of their official duties, such payment to be made by the steward, and carried into his monthly account.

Appointment
of steward.

SEC. 2. The board of trustees shall, so soon as convenient, appoint, subject to the approval of the governor, a steward for said institution, who shall, unless sooner removed, hold his office for the period of three years, and until his successor is appointed and qualified. And as the term of office of steward expires, the board shall, in the same manner, fill vacancies, and the governor shall have power at pleasure to remove the steward.

His bond.

SEC. 3. Such steward shall, before entering on his duties, enter into a bond with the state of Ohio, with at least two good and sufficient sureties, to be approved by the probate court of Franklin county, in the penal sum of twenty thousand dollars, conditioned that he will faithfully and honestly perform the duties of his office, and pay over and account for all moneys and property that shall come into his hands by reason of his said office, belonging to the State or to any other person; which bond shall be recorded in the journal of said probate court and filed in the office of the governor.

Appointment
of superin-
tendent,
matron, etc.

SEC. 4. Said board of trustees shall, so soon as convenient, appoint a superintendent for said institution, who shall hold his office for five years, unless sooner removed, and on the nomination of such superintendent said board may appoint a matron and physician, and such teachers and assistants as they may deem advisable. And said trustees shall fix all salaries not otherwise determined by law. And they shall also prescribe rules and by-laws for the government of the institution.

Monthly ex-
amination of
steward's ac-
counts.

SEC. 5. It shall be the duty of said board of trustees, monthly, to visit the institution, and they shall, with the superintendent, examine the accounts of the steward, and each, including the superintendent, shall certify his approval or otherwise on the page with the monthly balances of said steward, and also on the duplicate monthly balance sheets hereinafter provided for. They shall make a record of their proceedings at all meetings in a book to be kept for that purpose at the institution by the secretary of the board; and on the fifteenth day of November of each year they shall make a report to the governor of the condition and wants of the institution, which shall be accompanied by full and accurate reports of the superintendent, in which shall be stated, amongst other things, the names, wages and time of each employe during the year. The said reports of the trustees shall contain a summary statement of all contracts entered into during the year, and the names of all persons inter-

Record
thereof.

Annual re-
port.

ested in such contracts. Special meetings of the board may be held on a call of the president thereof, provided each member shall have at least three days' notice thereof in writing, together with a statement of the object for which the meeting is called. The trustees and their successors in office shall have the power to receive and hold in trust for the use of said institution any grant or devise of land, or any donation or bequest of money or personal property to be applied to the maintenance and support of any person or persons therein, or to the general use of such institution.

Grants, devises, etc.

SEC. 6. The steward shall keep a full and true account of receipts, and an itemized account of all disbursements, in a proper book, always open to the inspection of the superintendent and trustees, and shall balance the same on the fifteenth day of each month; and he shall prepare and have ready at the same time, in duplicate, a balance sheet showing the amount of money received during the preceding month, and the balance on hand at the commencement thereof, and also a full and itemized account of all expenditures and payments during the same period, and a summary of all contracts entered into, with the name of each person interested therein; and he shall also take and arrange, according to the entry in such duplicate balance sheets, all vouchers and receipts for all disbursements during said month. After the said duplicate and balance sheets shall have been indorsed by the superintendent and board of trustees, as provided for in the fifth section of this act, the steward shall, within two days thereafter, file said duplicate, and vouchers pertaining thereto, in the office of the probate court of Franklin county; and he shall take and subscribe an oath before the said court, to be indorsed on each of said duplicate balance sheets, that the said account is a full, true and correct account of his said stewardship for the preceding month, to the best of his knowledge and belief.

Receipts and disbursements.

Account to be filed in probate court.

SEC. 7. The said probate judge shall carefully examine said account, and compare the same with the vouchers, and see that the footings of figures are correct; and he shall have full power and authority, at any time, to examine the said steward under oath, touching his account; and if the judge think proper to do so, he may reduce such examination to writing, and require the steward to sign the same, and such examination shall then be filed with the papers of the proper monthly settlement. After having made the necessary examination, the judge of said probate court shall indorse his finding and approval, or otherwise, on each of said duplicate balance sheets, one of which he shall forthwith file in the office of the governor, and the other, together with the vouchers, shall be filed and safely kept in the office of said probate court. Said steward shall not be credited with disbursements by the trustees, or superintendent or probate court, in his monthly account, to an amount above ten dollars in the aggregate in any one month, unless the same is accompanied with a proper voucher therefor and itemized account thereof.

Duty of probate judge.

SEC. 8. The probate judge shall receive the sum of three dollars for the performance of his duties aforesaid, for each

Judge's compensation.

monthly statement and settlement, and fifty cents for the recording of each bond required to be recorded by this act, which sum shall be paid by the steward, and carried into the next monthly account, together with the balance so found by said court; and all books, papers, contracts, vouchers, etc., pertaining to the business of said institution, shall be and forever remain the property of the state of Ohio, and shall be kept and preserved as such for future use.

Contracts and purchases to be made on best terms, etc.

SEC. 9. Said steward shall make all contracts on behalf of, and all purchases for such institution, where they can be made on the best terms, keep the accounts, pay those employed in and about the institution, take vouchers for all expenditures, have a personal superintendence of the garden and grounds, and perform such other duties as may be assigned him by the board of trustees or the superintendent; and under the direction of the superintendent, and not otherwise, he may make engagements with, and discharge those employed in and about the institution. Whenever in the opinion of the board of trustees more than five hundred dollars' worth of any one article will be needed for the use of the institution during any one year, then it shall be the duty of said board to advertise for sealed bids to furnish at the institution such articles, at such times and in such quantities as the steward may from time to time direct, each bid to be accompanied with a bond, in such amount as the board may direct, with good and sufficient security that such bidder, if the contract be awarded to him, will fulfill and perform the contract on his part; and all such contracts shall be awarded to the lowest bidder. The board shall have power to reject all bids, and readvertise.

Contracts to be let to lowest bidder.

Power of removal for cause.

SEC. 10. The said board of trustees may at pleasure remove any matron or physician, and they may remove the superintendent also, for incompetency, gross neglect of duty, or refusal to discharge the duties devolving upon him, or for any misconduct which renders it improper for him longer to continue at the head of the institution, and may direct the discharge of a pupil, teacher or employe, when they shall deem it expedient.

Trustees, etc., must not be interested in contracts, etc.

SEC. 11. No trustee, or any officer of the institution, shall hereafter be either directly or indirectly interested in the purchase of land, building material, or any article of furniture or supply for the use of said institution; and no member of the board of trustees shall hereafter be eligible to the office of superintendent or steward of said institution during the term for which he was appointed, nor within one year after his term shall have expired; and the said board and superintendent shall, on the fifteenth day of November in each year, make their report to the governor of the condition of such institution, and an estimate of the several necessities of the institution for the succeeding year: Provided, that whenever the fifteenth day of any month shall be Sunday, then the duties required by this act to be performed on that day may be performed on the next day, or Monday.

Report.

Qualifications of su-

SEC. 12. The superintendent of said institution shall be a person of acknowledged skill and ability in his profession,

and shall sustain a good moral character, and shall hold his office for the term of five years, unless sooner removed by the board of trustees, as provided for in the tenth section of this act. He shall have entire control of the moral and dietetic treatment of the inmates and pupils, and shall see that the several officers and employes in the institution faithfully and diligently discharge their respective duties. He shall employ or direct the employment of attendants, nurses, servants, and such other persons as he may deem necessary for the efficient and economical management of the institution, assign them their respective places and duties, and may at any time discharge, or direct the steward to discharge, any of them from service. The superintendent, steward and matron, shall devote their entire time to the interests of the institution.

superintendent
—his powers
and duties.

SEC. 13. The matron, under the direction of the superintendent, and not otherwise, shall have the general supervision of the domestic arrangements of the institution, and do what she can to promote the comfort and welfare of its inmates.

Duties of
matron.

SEC. 14. The superintendent shall receive as compensation for his said services the sum of twelve hundred dollars (\$1200) a year; the steward eight hundred dollars (\$800) a year; the matron three hundred dollars (\$300) a year. Said salaries shall be paid by the steward in monthly installments, and receipts taken, and the several amounts carried into the monthly account of the steward.

Compensation of officers.

SEC. 15. The treasurer of state may from time to time advance to the steward, on his own order, approved by the superintendent and a majority of the board of trustees, on a warrant from the auditor of state, a sum not exceeding four thousand dollars, to meet current expenses; and he shall account for the whole sum of four thousand dollars before another order is approved. For all debts due said institution, an action may be maintained in the name of the board of trustees.

Advances to
steward.

SEC. 16. Any trustee, superintendent, physician, steward or matron, who shall conceal or convert to his or her own use any money or other property, of a value above thirty-five dollars, belonging to said institution, or belonging to the state of Ohio, or who shall cheat or attempt to cheat, or collude with any other person to cheat or defraud such institution or the state of Ohio in any manner whatever, shall be deemed guilty of a misdemeanor, and on conviction thereof before the proper court, shall be imprisoned in the penitentiary and kept at hard labor, not more than ten years, nor less than one year. And any trustee, superintendent, physician, steward or matron, who shall be directly or indirectly interested in any contract for or purchase of any land, building material, or any article of furniture, supply or provisions for the use of said institution, shall, on conviction thereof before the proper court, be punished by imprisonment in the penitentiary at hard labor, not less than one nor more than ten years.

Penalty for
fraud, etc.

SEC. 17. That sections one and two, as amended March 10, 1873; three, four, five, six, seven and eight of "the act

Repeal.

to reorganize the institution for the education of the blind, and to repeal certain laws heretofore passed," passed and took effect April 6, 1866, be and the same are hereby repealed.

SEC. 18. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To amend section forty-four of an act entitled an act for the Assessment and Taxation of property in this State, and for levying taxes thereon according to its true value in money, as amended May 8, 1868. (S. & S., 751.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-four of the above recited act, as amended, be so amended as to read as follows :

Board of
equalization
of personal
property ;
powers and
duties.

Section 44. There shall be an annual county board for the equalization of the real and personal property, moneys and credits in each county, exclusive of cities of the first and second class, to be composed of the county commissioners and county auditor, who shall meet for that purpose at the auditor's office in each county on the first Wednesday after the third Monday of May annually. Said board shall have the power to hear complaints and to equalize the valuation of all real and personal property, moneys and credits within the county, and shall be governed by the rules prescribed in the thirty-ninth section of the act to which this is an amendment, for the government of county boards for the equalization of real property : Provided, that said board shall not reduce the value of the real property of the county below the aggregate value thereof, as fixed by the state board of equalization, nor below its aggregate value on the duplicate of the preceding year, to which shall be added the value of all new entries and new structures over the value of those destroyed, as returned by the several township assessors for the current year ; Provided further, that in any county in this state having by the federal census of 1870 a population of 40,609, and no more, the valuation for oil purposes of any tract of land shall be reduced or increased by the said board, as the same may have been exhausted or developed, without reference to the aggregate value of the real property of said county, as fixed by the state board of equalization, or upon the tax duplicate of the preceding year ; and provided further, that where said board shall be satisfied that any property in the county has been returned and placed upon the duplicate at more than twice its actual value, said board may

Proviso as to
certain coun-
ties.

equalize the value thereof as aforesaid, so as not to decrease the aggregate value of the realty of such county, not adding thereto the value of new structures and entries, and deducting therefrom the value of buildings destroyed during the preceding year.

SEC. 2. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To amend section fifty-four of an act passed April 17th, 1867, entitled "An act to amend sections forty-nine, fifty-three and fifty-four of an act entitled 'an act to provide for the creation and regulation of Incorporated Companies in the state of Ohio,' " passed May 1st, 1852, and to repeal the sections so hereby amended. (S. & S., page 158.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section fifty-four of the act to which this act is amendatory, be and the same is hereby amended so as to read as follows:-

Section 54. The municipal authority of any city, town or village, or the trustees of any township in which any gas-light or water company shall be organized under this act, are hereby authorized to contract with any such corporation for the lighting or supplying with water the streets, lands, lanes, squares and public places in any such city, town, village or township: Provided, that no such corporation shall go into operation in any city or incorporated village where such a corporation has been already formed, or shall be hereafter formed, until after the question of authorizing such operation shall have been submitted to the qualified voters of such city or village, and be authorized by ordinance.

Contracts for
lighting or
watering
streets.

SEC. 2. The section fifty-four aforesaid so hereby amended, be and the same is hereby repealed, and this act shall be in full force and effect from and after its passage.

Proviso as to
cities, etc.,
where corpo-
rations al-
ready exist.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To amend section four of an act entitled an act to amend sections one, two, four, five, six and eleven of an act entitled an act to authorize County Commissioners to construct Roads on a petition of a majority of the resident land owners along and adjacent to the line of said road, and to repeal an act therein named, passed March 29, 1868. (S. & S., page 673.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of the above entitled act be amended so as to read as follows:

Report as to
necessity of
improve-
ments, etc.

Lands with-
in two miles
to be as-
sessed, etc.

Section 4. The viewers and surveyors or engineer shall make a report to the commissioners at their next regular session, showing the public necessity of the contemplated construction or improvement, the damages claimed and by whom, and the amount assessed to each claimant, and an estimate of the expenses of said improvement, and the lots and lands which will be benefited thereby, and ought to be assessed for the expenses of the same: Provided, that no lands shall be so assessed which do not lie within two miles of the proposed improvement; and provided, that said distance of two miles may be computed in any direction from either side, end or terminus of said road; and, provided further, that lands having once been assessed for the expense of any improvement made under the provisions of this act, shall not be re-assessed under subsequent proceedings for an extension of the same, unless the prior assessment shall not be deemed proportioned to the whole benefit resulting to said lands.

SEC. 2. Section four of the above entitled act is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To authorize the issuing of floating debt Bonds in cities of the first class having a population of less than one hundred thousand.

Power of
certain cities
to issue
bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That cities of the first class having a population of less than one hundred thousand at the last federal census, shall have power to issue negotiable coupon bonds of said city, in any sum not exceeding two hundred thousand (\$200,000) dollars, bearing a rate of interest of not more than seven per cent. per annum, payable semi-annually, at such

date, and for such length of time, not exceeding fifteen years, as the council may deem proper. These bonds shall be called floating debt bonds, and may be sold after an advertisement of not less than twenty days, to the highest bidder, but not in any case for less than their par value, nor shall any brokerage be allowed for the sale thereof, and the proceeds shall be paid into the city treasury, and divided by the city council among the different funds to be applied in the first instance, so far as necessary, to the payment of the floating debt of the city and liabilities under existing contracts, and the balance, if any, shall be applied to the general revenue of the city.

Designation
and sale
of bonds.

SEC. 2. If any bonds of such city be issued as provided in the foregoing section, it shall be the duty of the city council annually thereafter, until the same and the interest thereon shall be fully paid, to assess and levy a tax on the taxable property of said city, not exceeding one and five-tenths mills on the dollar valuation thereof, in addition to the taxes authorized by law, and the proceeds thereof shall be pledged by such council in payment of the interest which may accrue on the bonded indebtedness of said city, and shall constitute a sinking fund for the redemption of the bonds authorized by this act.

Tax to pay
principal and
interest of
bonds.

SEC. 3. No city officer shall be directly or indirectly interested in any appropriation over which he has any control, or in which he has a vote in ordering, except for salary established by law. Nor shall any appropriation be made by any city council, officer or board having any control thereof, unless the city auditor shall first certify to the city council or board, that there is money in the treasury, not otherwise appropriated, for the payment thereof; and such appropriation shall be explicit in its objects: Provided, that appropriations for special improvements shall not be affected by this act. Any person offending against the provisions of this act, if in office, shall be subject to removal therefrom, and shall be liable to the city for any moneys obtained in violation thereof.

No officer
shall be in-
terested in
appropria-
tions, etc.

SEC. 4. This act shall take effect and be in force from and after the first day of May, 1874.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To amend an act authorizing Township Trustees to levy a tax to purchase a site and erect a Township House thereon, passed May 6th, 1869. (O. L., page 120.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of any township in this state be and they are hereby authorized to levy a tax on all the taxable property of their township, not exceeding two thou-

Tax author-
ized for erec-
tion of a
township
house.

Trustees
shall submit
such tax to a
vote, etc.

sand dollars, to purchase a site and erect a township house, and they are hereby authorized to purchase said site and erect thereon a town house, at a cost for both site and building not exceeding said sum of two thousand dollars: Provided, that before any tax shall be levied under this act, the trustees of the township shall submit the question to a vote of all the electors of their township at a general election, and shall give at least thirty days' notice before said election by posting up written notices in at least five of the most public places therein, and said vote shall be taken at the usual place of holding elections in said township, and if a majority of the votes cast at any such election shall be in favor of a tax, then the trustees of said township shall be authorized to levy the tax and carry out the provisions of this act.

SEC. 2. That said original section one shall be and hereby is repealed.

SEC. 3. This act shall take effect from its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To amend section seventy-eight of an act entitled "An act to amend an act entitled an act for the Assessment and Taxation of property in this State, and for levying taxes thereon according to its true value in money," passed April 5, 1859, as amended April 8, 1865. (S. & C., 1465; S. & S., 757.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seventy-eight of said recited act be so amended as to read as follows:

Taxation of
school and
ministerial
lands.

Section 78. All tracts of land set apart for school or ministerial purposes, and sold by and under authority of law, and all lands which shall be hereafter sold by the United States, shall be subject to taxation as other lands in this state immediately after such sale; but school or ministerial lands shall not be sold for taxes until the purchase-money therefor shall be fully paid, but shall be returned as delinquent, and continue on the duplicate with the taxes of each year charged thereon, and added to the tax and penalty due when the same became delinquent, until payment be made, by the purchaser or his assigns, of such purchase-money, with the tax and penalty, or the lands resold by the county auditor, pursuant to the laws now or hereafter in force for the sale of such lands.

SEC. 2. That said original section seventy-eight be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To amend an act entitled an act defining the powers and duties of Justices of the Peace and Constables in criminal cases, passed March 27, 1837, took effect July 4th, 1837.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections six and seven of the above entitled act be so altered and amended as to read as follows:

Section 6. That if any person shall challenge another to fight at fisticuffs or with cudgels, or shall provoke or attempt to provoke another to commit a breach of the peace, every such person shall be deemed guilty of an offense, and on conviction thereof before any justice of the peace, shall be fined in any sum not exceeding ten (10) dollars, nor less than one dollar; and that if any person shall violate any of the laws in force in this state for the prevention of cruelty to animals, every such person shall be deemed guilty of an offense, and on conviction thereof before any justice of the peace, shall be fined in a sum not exceeding two hundred dollars, nor less than five dollars, or imprisoned in the county jail for a period not exceeding sixty (60) days, or both, at the discretion of the court before which the case may be tried; but if the accused in such case of cruelty to animals shall, before sentence is passed, demand to be bound over to answer to the grand jury of the county for said offense, then the said accused shall be so bound in a sum not exceeding two hundred dollars, with satisfactory surety, as in other cases.

Penalty for
challenging
or provoking
to fight;

And for cru-
elty to ani-
mals, etc.

Section 7. And in case the accused shall not demand to be so bound over, the justice of the peace shall render judgment for the amount of such fines, and for the costs of prosecution, and thereon issue execution for the collection of the same as in civil cases.

Rendition of
judgment.

SEC. 2. Sections six and seven of the above named act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To amend section six of an act entitled "An act to prevent Cruelty to Animals," passed April 24th, 1871. (O. L., Vol. 68, page 54.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said section of the above entitled act be so amended as to read as follows:

Penalty for violation of act to prevent cruelty to animals.

Section 6. Any person convicted of a violation of any of the provisions of this act, by any court of competent jurisdiction, shall forfeit and pay for every offense together with the cost of prosecution, a fine of not less than five nor more than fifty dollars, or be imprisoned in the county jail for not more than ten days, or both, at the discretion of the court. One half of all fines collected as above shall be paid into the common school fund, and the other half to the society causing said arrest. And should such animals be the property of another, the offender shall be liable to the owner thereof in damages, in addition to the penalties herein prescribed.

Disposition of fines, etc.

SEC. 2. Said original section six is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To regulate the Ohio Soldiers' and Sailors' Orphans' Home, located at Xenia, and to repeal a certain act therein named.

Governor to appoint board of trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That immediately after the passage of this act, the governor, with the advice and consent of the senate, shall appoint a board of trustees of the Ohio Soldiers' and Sailors' Orphans' Home, located near Xenia, Ohio. Said board shall consist of five persons, one of each board to serve for one year, one to serve for two years, and one to serve for three years, one four years, and one for five years, and as their respective terms of service shall expire, their successor shall be appointed for the term of five years in the manner herein provided. In case vacancies shall occur in said board of trustees, the governor shall have power, as herein provided, to fill such vacancies for the unexpired term thereof; and if the senate be not in session at the time, he shall submit such appointment to the senate for its approval at its next session. Before entering upon their respective duties, each of said trustees, physician, superintendent and

Vacancies, how filled.

matron herein provided for, shall take and subscribe an oath or affirmation to support the constitution of the United States, and of the state of Ohio; and, also, faithfully and honestly to discharge all and singular the duties of such trust, and in all things to protect the interests of the state to the best of his or her skill and ability, which oath shall be filed in the office of the governor. Said trustees shall perform their duties gratuitously, provided they shall have their necessary expenses paid during the time they are actually engaged in the discharge of their official duties, such payment to be made out of the state treasury, upon a warrant of the auditor of state.

Oath of office.

Expenses of trustees to be paid.

SEC. 2. Said board of trustees shall, so soon as convenient, appoint a superintendent for said institution, who shall hold his office for three years, unless sooner removed; and on the nomination of such superintendent, said board may appoint a matron and physician, and such teachers and assistants as they may deem advisable. And said trustees shall fix all salaries not otherwise determined by law. And they shall also prescribe rules and by-laws for the government of the institution.

Appointment of superintendent, etc.

SEC. 3. It shall be the duty of said board of trustees monthly to visit said institution, and they shall examine the institution and the accounts of the superintendent, and each shall certify his approval, or otherwise, on the page with the monthly balances of said superintendent, and also on the duplicate monthly balance sheet hereinafter provided for. They shall make a record of their proceedings at all meetings in a book to be kept for that purpose by the secretary of the board; and on the fifteenth day of November of each year they shall make a report to the governor of the condition and wants of the institution, which shall be accompanied by full and accurate reports of the superintendent, in which shall be stated amongst other things the names, wages and time of each employe during the year. The said report of the trustees shall contain a summary statement of all contracts entered into during the year, and the names of all persons interested in such contracts. Special meetings of the board may be held on the call of the president thereof, provided each member shall have at least three days' notice thereof in writing, together with a statement of the object for which the meeting is called. The trustees and their successors in office shall have the power to receive and hold in trust for the use and benefit of said institution, any grant or devise of land, or any donation or bequest of money or personal property to be applied to the maintenance and support of any person or persons therein, or to the general use of such institution.

Powers and duties of board of trustees.

SEC. 4. The superintendent shall keep a full and true account of receipts, and an itemized account of all disbursements in a proper book, always open to the inspection of the trustees, and shall balance the same on the fifteenth day of each month; and he shall prepare and have ready at the same time in duplicate a balance-sheet showing the amount of money received during the preceding month, and the balance

Duties of superintendent.

on hand at the commencement thereof, and also a full and itemized account of all expenditures and payments during the same period, and a summary of all contracts entered into, with the name of each person interested therein, and he shall also take and arrange, according to the entry in such duplicate balance-sheets, all vouchers and receipts for all disbursements during said month. After the said duplicate and balance sheets shall have been indorsed by the superintendent and board of trustees, as provided for in the fifth section of this act, the steward shall, within two days thereafter, file said duplicate and the vouchers pertaining thereto in the office of the probate court of Greene county, and he shall take and subscribe an oath before the said court, to be indorsed on each of said duplicate balance-sheets, that the said account is a full, true and correct account of his said trust for the preceding month, to the best of his knowledge and belief.

**Duties of
probate
judge.**

SEC. 5. The said probate judge shall carefully examine said account and compare the same with the vouchers and see that the footing of figures are correct, and he shall have full power and authority at any time to examine the said superintendent under oath, touching his account, and if the judge think proper to do so, he may reduce such examination to writing and require the superintendent to sign the same, and such examination shall then be filed with the papers of the proper monthly settlement. After having made the necessary examination, the judge of said probate court shall indorse his finding and approval or otherwise on each of said duplicate balance sheets, one of which he shall transmit forthwith by mail to the governor, and the other, together with the vouchers, shall be filed and safely kept in the office of said probate court. Said superintendent shall not be credited with disbursements by the trustees or probate court, in his monthly account, to an amount above ten dollars in the aggregate in any one month, unless the same is accompanied with a proper voucher therefor and itemized account thereof.

Compensation of probate judge.

SEC. 6. The probate judge shall receive the sum of three dollars for the performance of his duties aforesaid, for each monthly statement and settlement, and fifty cents for the recording of each bond required to be recorded by this act, which sum shall be paid by the superintendent and carried into the next monthly account, together with the balance found by said court; and all books, papers, contracts, vouchers, etc., pertaining to the business of said institution shall be and forever remain the property of the state of Ohio, and shall be kept and preserved as such for future use.

Further duties of superintendent.

SEC. 7. Said superintendent shall make all contracts on behalf of, and all purchases for said institution, where they can be made on the best terms, keep the accounts, pay those employed in and about the institution, take vouchers for all expenditures, have a personal superintendence of the farm, garden and grounds, and perform such other duties as may be assigned him by the board of trustees; he may make en-

gagement with, and discharge those employed in and about the institution.

SEC. 8. The superintendent shall, before entering on his duties, enter into a bond to the state of Ohio, with at least two good and sufficient sureties, to be approved by the probate court of the county in which such institution is located, in the penal sum of twenty thousand dollars, conditioned that he will faithfully and honestly perform the duties of his office, and pay over and account for all money and property that shall come into his hands by reason of his said office, belonging to the state or to any other person; which bond shall be recorded in the journal of said probate court and filed in the office of the governor.

Bond of
superintend-
ent.

SEC. 9. Whenever in the opinion of the board of trustees more than five hundred dollars' worth of any one article will be needed for the use of the institution during any one year, then it shall be the duty of said board to advertise for sealed bids to furnish at the institution such articles at such times and in such quantities as the superintendent may from time to time direct, each bid to be accompanied with a bond, in such amount as the board may direct, with good and sufficient surety that such bidder, if the contract be awarded to him, will fulfill and perform the contract on his part, and all such contracts shall be awarded to the lowest bidder, but said board may reject all bids and readvertise.

Contracts to
lowest bid-
der.

SEC. 10. The said board of trustees may at pleasure remove any matron or physician, teacher or employe, and they may remove the superintendent also, for incompetency, gross neglect of duty or refusal to discharge the duties devolving upon him, or for any misconduct which renders it improper for him longer to continue at the head of the institution, and may direct the discharge of a pupil or inmate when they shall deem it expedient.

Removal of
officers for
cause.

SEC. 11. No trustee or any officer of the institution shall hereafter be either directly or indirectly interested in the purchase of building material or any article of furniture or supply for the use of or in any contract in behalf of said institution, and no member of any board of trustees shall hereafter be eligible to the office of superintendent of said institution during the term of which he was appointed, nor within one year after his term shall have expired; and the said board and superintendent shall, on the fifteenth day of November in each year, make their report to the governor of the condition of such institution and an estimate of the several necessities of the institution for the succeeding year: Provided, that whenever the fifteenth day of any month shall be Sunday, then the duties required by this act to be performed on that day may be performed on the next day or Monday.

No officer
shall be in-
terested in
contracts,
etc.

SEC. 12. The superintendent of said institution shall be a person of acknowledged skill and ability in his profession, and shall sustain a good moral character. He shall have entire control of the educational, moral and dietetic treatment of the inmates and pupils, and shall see that the several officers and employes in the institution faithfully and

Qualifica-
tions of
superintend-
ent.

diligently discharge their respective duties. He shall employ such attendants, nurses, servants and such other persons as he may deem necessary for the efficient and economical management of the institution, assign them their respective places and duties. The superintendent and matron shall devote their entire time to the interest of the institution.

Province of
the matron.

SEC. 13. The matron, under the direction of the superintendent, and not otherwise, shall have the general supervision of the domestic arrangements of the institution, and do what she can to promote the comfort and welfare of its inmates.

Compensation of super-
intendent.

SEC. 14. The superintendent shall receive as compensation for his said services the sum of \$1,000 a year. The matron \$300 a year. Said salaries shall be paid in monthly installments, and receipts taken, and the several amounts carried into the monthly accounts of the steward.

Advances to
superintendent.

SEC. 15. The treasurer of state may from time to time advance to the superintendent on his own order, approved by a majority of the trustees, on a warrant from the auditor of state, a sum not exceeding three thousand dollars, to meet current expenses, and he shall account for the whole sum of three thousand dollars before another order is approved.

Action for
debts.

SEC. 16. For all debts due said institution, an action may be maintained in the name of the board of trustees of the institution.

Penalty for
frauds.

SEC. 17. Any trustee, superintendent, physician or matron, who shall conceal or convert to his or her own use any money or other property of a value above thirty-five dollars, belonging to said institution, or belonging to the state of Ohio, or who shall cheat or attempt to cheat, or collude with any other person to cheat or defraud such institution or the state of Ohio in any manner whatever, shall be deemed guilty of a misdemeanor, and on conviction thereof before the proper court, shall be imprisoned in the penitentiary and kept at hard labor not more than ten years nor less than one year. And any trustee, superintendent, physician or matron, who shall be directly or indirectly interested in any contract for or purchase of any building material, or any article of furniture supply, or provisions for the use of any of said institutions, or for any building or improvement, shall, on conviction thereof before the proper court, be punished by imprisonment in the penitentiary at hard labor, not less than one nor more than ten years.

Sections
repealed.

SEC. 18. That sections one, two, three, five, eight, nine, ten and eleven of the act entitled "An act to establish the Ohio soldiers' and sailors' orphans' home," passed April 14, 1870, and all other acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

SEC. 19. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 20, 1874.

AN ACT

To amend section seven (7) of an act entitled an act to amend an act entitled an act to amend section seven (7) of an act further to prescribe the duties of County Commissioners, passed April 8th, 1856, as amended February 26th, 1857, passed May 7th, 1869 (O. L., Vol. 66, page 350), as amended by an act passed March 13th, 1872 (Ohio Laws, Vol. 69, pages 42 and 43).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven (7) of the above recited act be so amended as to read as follows :

Section 7. It shall be the duty of the county commissioners annually, on or before the second Monday in September, to make a detailed report in writing to the court of common pleas of the county, of their official transactions during the year next preceding the time of making said report, giving an accurate statement of the financial affairs of the county ; and in case said court is not in session, said report shall be filed with the clerk thereof, and the commissioners shall cause said report, as soon as it shall be made or filed, to be published in a newspaper, published in said county and of general circulation therein ; and the court shall cause said report to be investigated and examined by the prosecuting attorney of the county, together with two suitable and judicious persons to be appointed by the court. To aid in their investigations, the persons so appointed with the prosecuting attorney to examine said report, shall have power, when in their opinion it is necessary, and the court shall so order, to subpoena witnesses to appear before them, at such time and place as may be designated. Upon the filing of a præcipe with the clerk of the court of common pleas, he shall issue a subpoena directed to the sheriff of the county, who shall serve the same, and make return according to law ; such witnesses may be sworn before any officer authorized to administer oaths, and shall thereupon be compelled to answer such questions as may be put to them, relative to the official transactions of the county commissioners. The clerk of the court shall certify all costs arising under these proceedings to the auditor of the county, who shall draw orders on the county treasury for the payment of the same. In case of any violation of the law, the prosecuting attorney is hereby ordered to cause the same to be prosecuted, according to the nature of the case ; and if any county commissioners in this state fail or neglect to make the report required of them by this act, at the time herein required, they shall be fined in any sum not exceeding one hundred dollars. And it is hereby made the duty of the prosecuting attorney of any such county to prosecute, in the court of common pleas, as is provided by law in similar cases, any one or all of such county commissioners, who shall neglect or refuse to publish the required statement and report as hereinbefore provided.

County commissioners to make annual report.

Publication thereof.

Subpoena of witnesses.

Payment of costs.

Penalty for violation of this law.

SEC. 2. That section one (1) of an act entitled an act to amend section seven (7) of an act further to prescribe the

Repeal.

duties of county commissioners, passed March 13th, 1872 (Ohio Laws, Vol. 69, pages 42 and 43), be and the same is hereby repealed.

SEC. 3. That this act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To amend section one of an act to protect the elections of voluntary Political Associations and punish frauds therein, passed February 24th, 1871. (O. L., Vol. 68, page 27.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be so amended as to read as follows:

Primary elections, how called, conducted, etc.

Proviso as to certain cities, etc.

Section 1. That all elections hereafter to be holden by any voluntary political association or party in this state, for any delegates or managing committee, or for the nomination of candidates for public offices, may be called or ordered by published notice, upon a vote of a majority of the county, city or township central or controlling committee of such voluntary political association or party of the county, city or township which may elect to accept the provisions of this act, which shall state the purpose, time, manner, conditions, together with the place or places of holding such election: Provided, that in all cities of the first class having a population exceeding two hundred thousand inhabitants at the last federal census, the polls for such elections, held under the provisions of this act, shall be opened at eleven o'clock A. M. and closed at seven P. M.; also, the authority by which the call or notice is published; and the person shall be named therein who is to supervise or preside at each poll where such election is to be holden, and the said person shall be a legal voter of the township, precinct, ward or election district for which he is named. Said notice shall likewise declare the qualifications of the persons to vote at such elections; provided, that such prescribed qualifications shall not be inconsistent with those expressed in this act.

SEC. 2. That said original section one of the above recited act, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in full force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

Amendatory of an act to protect Sidewalks, passed April 3d, 1867. (S. & S., 693; 64 Vol. Stat., 107.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections two and three of the above recited act be and are hereby amended so as to read as follows :

Section 2. That it shall be unlawful for any person or persons to set up, to let or use for profit, any table, stand, tent, wagon or other vehicle on any public footwalk or sidewalk so appropriated and used, or to ride, drive or hitch thereon any horse or other animal or team, or in any other way to obstruct, or to dig up or remove any of the material of which said sidewalk was constructed or is composed.

Unlawful to obstruct or injure sidewalk.

Section 3. That if any person shall violate any of the provisions of this act, he shall, on conviction thereof be fined in any sum not less than five nor more than twenty-five dollars, or be imprisoned in the county jail not exceeding ten days, or both, at the discretion of the court, and moreover shall be liable in damages to the party or parties injured.

Penalty.

SEC. 2. That all fines collected under the provisions of this act shall be appropriated for the repairing or improving of the walks for which said fines have been collected; said repairs and improvements to be made under the direction and supervision of the party or parties controlling said walks.

Appropriation of fines.

SEC. 3. That sections two and three of the above recited act, passed April 3d, 1867, be and are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed [April] 20, 1874.

AN ACT

Prescribing the rate of State Taxes, and to repeal an act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be levied annually, taxes for state purposes, on each dollar of valuation of taxable property as follows:

For general revenue purposes, being the expenses of the state government, and such other charges as by law are payable from said fund, five-tenths of one mill. Said fund shall be styled the general revenue fund.

Levy for general revenue fund.

For state, benevolent, penal and reformatory institutions, four tenths of one mill, which fund shall be styled the asylum fund; and to meet the increased expenditures for building, rebuilding, completing and repairing the state public institu-

For asylum fund.

tions, there shall be levied for said fund for the year 1874, the additional tax of five tenths of one mill.

Per cent. for
reimburse-
ments.

On the reimbursement of any sums heretofore transferred to the general revenue fund from other funds in the treasury, previous to the division of said funds under the act passed January 14, 1873, the general revenue fund shall pay thirty per cent., and the asylum fund seventy per cent. of said sums.

For sinking
fund.

For the payment of the interest and the constitutional reduction and further payment of the principal of the debts of the estate [state], eight tenths of one mill; said fund to be styled the sinking fund.

For school
fund.

For the support of common schools, one mill; said fund shall be styled the common school fund.

SEC. 2. The act prescribing the rates of state taxes, passed January 14, 1873, be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To amend section five hundred and twenty-two (522) of an act entitled an act to establish a Code of Civil Procedure, passed March 11, 1853. (2 S. & C., pages 1105 and 1106.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five hundred and twenty-two of an act to establish a code of civil procedure, passed March 11, 1853, be amended so as to read as follows:

Execution
on the judg-
ment by giv-
ing security
to make res-
titution, etc.

Section 522. In an action on contract for the payment of money only, or in an action for injuries to the person, notwithstanding the execution of the undertaking in the last section mentioned to stay proceedings, if the defendant in error give adequate security to make restitution, in case the judgment is reversed or modified, he may, on leave, obtained from the court below, or a judge thereof in vacation, proceed to enforce the judgment. Such security must be an undertaking executed to the plaintiff in error by at least two sufficient sureties, to the effect that if the judgment be reversed or modified, he will make full restitution to the plaintiff in error of the money by him received under judgment. The provisions of this act shall not apply to judgments recovered in actions for libel, slander, malicious prosecutions, false imprisonment, or assault and battery.

Exceptional
cases.

SEC. 2. That said original section five hundred and twenty-two, amended as above, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT.

To amend sections ninety-three and ninety-six of an act entitled "An act for the reorganization and maintenance of Common Schools," passed May 1st, 1873.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections ninety-three and ninety-six of said act be amended so as to read as follows:

Section 93. No person shall be employed as teacher in any common school, unless such person shall have first obtained from a board of examiners having competent jurisdiction, or a majority of them, a certificate of good moral character, and that he or she is qualified to teach orthography, reading, writing, arithmetic, geography, English grammar, and possesses an adequate knowledge of the theory and practice of teaching; and in case such person be required to teach other branches than those herein specified, he or she shall first obtain a certificate of the requisite qualifications, in addition to the branches aforesaid: Provided, that persons desiring or expected to teach only one or more special studies, such as music, drawing, painting, penmanship, gymnastics, German or French, may be examined and tested only in regard to such study or studies, and having obtained from the said board a certificate of qualification, may be employed as teachers of the respective special study or studies.

Teachers must have certificates of qualification, etc.

Section 96. The board of education of each city district of the first class shall, as soon as practicable after the first organization under this act, appoint a board of examiners, to consist of three, six or nine competent persons, as the board may determine, who shall have power to examine the schools established in such district, and shall examine all persons that desire to hold teachers' certificates valid in such district. One-third of said examiners shall be appointed for one, one-third for two, and one-third for three years, and shall serve until their successors are appointed and qualified. The standard of qualifications of teachers shall be determined by the board of examiners, and the board of education are hereby empowered to fix the salary or pay of said examiners, and to pay the same from the general fund raised for school purposes. Section ninety-three, as hereby amended, and ninety-four shall be also applicable to city districts of the first and second class; and to secure a more thorough examination of teachers and pupils in the more difficult branches or special studies, the board of examiners may temporarily associate

Board of education to appoint examiners; their duties, etc.

Applicable to city districts, etc.

with themselves, for such purpose, one or more other persons of sufficient knowledge in such branches or studies respectively, who shall, in such case, promise by oath or affirmation that they will faithfully and impartially perform the duties of examiners. And the superintendents of education shall give to the examiners all the necessary information about the branches and special studies to be taught, and the grades and classes the persons appointed or to be appointed as teachers shall have to teach.

SEC. 2. That original sections 93 and 96 be and they are hereby repealed, and this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To amend section sixteen of an act entitled an act to organize and regulate an Independent Militia, passed April 18, 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section sixteen of the act entitled "An act to organize and regulate an independent militia," passed April 18, 1870, be and the same is hereby amended to read as follows:

Compensation for use of animals, by cavalry, artillery, &c.

Section 16. That whenever any portion of the cavalry, or artillery, organized under this act, shall be called out to aid the civil authorities, as provided in sections five and twelve of this act, they shall be allowed a fair and reasonable compensation for the use of any animals necessarily used by them during such time, to be paid as prescribed in said sections, and for every day any battery of artillery shall actually be on parade or encamped, not exceeding six days in each year, as provided in sections seven and eight of this act, there shall be allowed not exceeding two dollars and fifty cents for each horse actually used to draw the pieces and caissons, not to exceed sixteen horses for a two gun battery, thirty two horses for a four gun battery and forty eight horses for a six gun battery, the same to be paid out of the state treasury, upon vouchers duly certified by the commissioned officers of the battery and approved by the governor.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To amend section three hundred and thirty-eight of an act entitled "An act to provide for the organization and government of Municipal Corporations," passed May 7, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three hundred and thirty-eight of the above recited act be so amended as to read as follows:

Section 338. For the purpose of paying the expenses of conducting and managing water works, the trustees of water works shall have power to assess and collect, from time to time, a water rent of sufficient amount, in such manner as they may deem most equitable, upon all tenements and premises supplied with water, except that in cities of the first class having a population exceeding one hundred and fifty thousand, the council shall, upon the recommendation of the board, provide for assessing the cost and expenses of laying or extending water mains upon the lots and lands bounding or abutting upon the streets, lanes, alleys, highways, market spaces, public landings and commons in or along which said water mains shall be laid or extended, upon the foot front, or according to the valuation of the same on the county duplicate, or according to benefits, as they shall determine in each case.

Tax for expenses of water works.

Do. in certain cities.

SEC. 2. That the original section three hundred and thirty-eight of the act above referred to be and is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

For the protection of certain Burial Grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the title, right of possession and control to and in all public graveyards and burial grounds, located without the corporate limits of any city, town or village, which have been set apart and dedicated as public graveyards or burial grounds, and grounds which have been used as such by the public, but not expressly dedicated, except such as may be owned or under the care of any religious or benevolent society, or any incorporated company or association, or under the control of the authorities of some city, town or village, shall severally be vested in the trustees of the townships where each may be located; and it shall be the duty of such trustees to provide for the protection and

Control, &c., of burial grounds vested in trustees.

Duties of trustees.

preservation of such grounds, and they are hereby authorized and required to institute suits to recover possession thereof and to remove trespassers therefrom, and recover damages for injuries thereto or to any part thereof, or any fence or hedge inclosing the same, or any tomb or monument therein. And the said trustees shall have the power to enclose said burying grounds with a substantial fence or hedge, and keep the same so enclosed and in good repair, and to levy a tax for that purpose, not exceeding one-half of one mill in any one year, upon all the taxable property of their township.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

Supplementary to an act entitled an act to provide for the creation and regulation of Incorporated Companies in the State of Ohio, passed May 1st, 1852. (S. & C., Vol. 1, page 271.)

Associations
for holding
ing bequests,
etc., author-
ized.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any number of persons, not less than five, may associate themselves together, as provided in the first section of the act entitled "An act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1st, 1852, for the purpose of receiving and holding donations and bequests, and funds arising from other sources, and disbursing the interest and income arising from said donations and bequest, and funds arising from other sources, as hereinafter provided.

Choice of
trustees;
their certifi-
cate.

SEC. 2. That the trustees and officers thereof shall be chosen in such manner and for such time as may be provided in the rules and regulations of such association; and when chosen, said trustees shall, under their hands and seals, make a certificate which shall specify as follows:

First—The name of such association, and by which it shall be known.

Second—The name of the place where its principal office is or shall be situated.

Third—Such certificate shall be acknowledged, certified and forwarded to the secretary of state, recorded and copied as is provided in the second section of the act to which this is supplementary, and a copy duly certified by the secretary of state, under the great seal of the state of Ohio, shall be evidence of the existence of such association.

SEC. 3. That when organized as hereinbefore provided, the persons named as corporators in said certificate, are hereby authorized to carry into effect the objects named in said certificate in accordance with the provisions of this act; and they and their successors and assigns, by the name provided in said certificate, shall thereafter be deemed a body corporate, with succession, and shall have power to receive and hold donations and bequests, both of real and personal property, and funds arising from other sources, and to sell such real estate and personal property, and loan the proceeds thereof on mortgage security.

Powers, etc.,
as a body
corporate.

SEC. 4. The principal sum of all moneys received by said association from donations and bequests, and from the sale of real and personal property, and the principal sum of moneys received by said association from any other source, shall be held by such association as a permanent fund; and the interest arising from such fund, and the annual income arising from all personal and real property held by such association, shall be applied and distributed annually as follows:

Principal of
bequests to
be a perma-
nent fund.

First—To the payment of the necessary expenses of such association.

How income
shall be used.

Second—The balance shall be paid over to the board of stewards, or any other officer that may be designated by any conference, synod, assembly or association, within the bounds of which said conference, synod, presbytery, assembly or association, the principal office shall be located at the time of the organization thereof as aforesaid, to be distributed by said board of stewards, or other officers, annually to such persons as may be designated by said conference, synod, presbytery, assembly or association.

SEC. 5. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To amend section six of the act entitled an act for the inspection of certain articles therein named. (S. & C., 719.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six of the above recited act be so amended as to read as follows:

Section 6. That it shall be the duty of the miller or mill owner to brand or cause to be branded, on the head of each barrel or side of each sack, the quality of the flour contained therein, and the initial letter of his christian name, and his surname in full; or should the mill be owned by more than

Name of mil-
ler and qual-
ity of flour
to be branded
on each bar-
rel or sack.

Penalty for
neglect, or
for fraud,
&c.

one person, then the names of such persons or company; and if any miller, or mill owner or company shall neglect so to brand the same, or shall pack and expose for sale flour or meal in any sack aforesaid of a less quantity or worse quality than branded therein aforesaid, he or they so offending shall, on conviction thereof, forfeit and pay for each offense the sum of ten dollars, for the use of the county; and if any miller or any other person shall pack or cause to be packed any bran, shorts, middlings, or unmerchantable flour, with intent to defraud any person, the person or persons so offending shall, on conviction thereof, forfeit and pay for every such offense a sum not less than one hundred dollars nor more than five hundred dollars, for the use of the county, to be recovered before any court having competent jurisdiction, and, moreover, be liable to the action of the party injured for damages. And the statement of the amount and quality so placed upon such barrels or sacks shall be taken and held to be a warranty of the facts stated.

SEC. 2. That said section six be and the same is hereby repealed, and this act shall take effect on and after July 1st, 1874.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To amend section thirty-four of an act to regulate the Election of State and County Officers, passed May 3d, 1852. (S. & C., 532.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirty-four of the above mentioned act be amended so as to read as follows:

Certificates,
when two or
more coun-
ties are
joined in
one election
district.

Section 34. That when two or more counties are joined in a senatorial, representative or judicial district, the clerk of the court of common pleas of each county of any such district having a smaller population, shall make out an abstract, showing the votes given by townships and wards within such county, for each person receiving votes for such offices as are to be filed by the whole district, under the seal of the court of common pleas and attested by the clerk, and shall, within eight days after the day of election, transmit the same, properly inclosed, with an indorsement on the envelope distinctly showing that it is an abstract of votes, and for what offices, and from what county, by mail, properly directed to the clerk of the court of common pleas of that county, in any such district having the largest population, who shall receive and open the same in the same manner as returns of townships and election precincts, and incorporate the returns from such county or counties having such smaller

population with the returns of the county receiving the same, and make out and deliver to the persons elected certificates of their election.

SEC. 2. That said original section thirty-four be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To revive section seventeen of the act entitled "An act to regulate and govern the Ohio Penitentiary," passed April 1, 1867. (S. & S., page 515.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following shall be designated as section seventeen of the above recited act, and shall read as follows:

Section 17. No money shall be paid to the steward for or on account of any claim due the penitentiary for sales made by him, or other acts of his. All money so due shall be paid to the warden. Duplicate accounts shall be made out by the steward, one to be retained by him, and the other certified to the warden. When the amount is paid to the warden, he shall receipt the account, and it shall be properly entered on the books by the clerk, and payment to the warden shall alone discharge such liability.

Money from sales by the steward must be paid to the warden.

SEC. 2. Section eighteen of the act to amend an act entitled an act to regulate and govern the Ohio Penitentiary, passed April 1, 1867, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

Supplementary to an act entitled "An act to protect the election of Voluntary Political Associations, and to punish frauds therein," passed February 24th, 1871.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled an act to protect the elec-

tions of voluntary political associations and to punish frauds therein, passed February 24th, 1871, be amended as follows :

Penalty for asking or receiving a bribe by delegates.

Section 8. That any delegate or delegates elected to any convention held under this act, in this state, who shall ask or receive, either directly or indirectly, any money or other property whatever from any candidate or other person, to secure his vote for any candidate or candidates for nomination to any office whatever, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding two hundred and fifty dollars, nor less than fifty dollars, and be imprisoned in the county jail not less than thirty days nor for a longer period than three months, at the discretion of the court, and in addition shall be disqualified from voting, or being nominated at any election or convention held under the provisions of this act.

Penalty for paying a bribe by a candidate.

Section 9. That if any candidate for nomination to any office before any convention held under the provisions of the act to which this is amendatory, in this state, shall pay, or cause to be paid, or promise to pay, directly or indirectly, any money or goods of any value, to any delegate or delegates for the purpose of obtaining his or their influence or vote for such nomination in such convention, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not to exceed five hundred dollars nor less than one hundred dollars, and if nominated and elected to said office, shall, for and during the period of office for which he was a candidate, be ineligible to hold such office to which he may have been so nominated and elected, and in addition shall be disqualified from voting or being nominated at any election or convention held under the provisions of this act.

Prosecutions by indictment, etc.

Section 10. All prosecutions under this act shall be by information or indictment to be found by the grand jury of the proper county, and in case of information in all counties in this state the population of which exceeds one hundred and fifty thousand inhabitants, and have a police court therein, said police court shall have concurrent jurisdiction with the court of common pleas, and all fines collected from this source shall be paid into the school funds of such county.

No expense to county or state.

SEC. 2. This act shall take effect and be in force from and after its passage, and no expense shall be incurred to the county or state in the conduct of elections under its provisions.

SEC. 3. That section 8 of said act passed February 24, 1871, to which this is supplementary, be and the same is hereby repealed.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To prevent dangerous interference with Steam Boilers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall purposely and maliciously put or cause to be put, or aid in putting any soap, alkali, or other material which will tend to interfere with or render unusually dangerous the generating of steam, into any steam boiler, tank, well, cistern, pipe, hose, or other receptacle, where such soap, alkali or material, or any part thereof, shall be liable to be drawn or pumped into any steam boiler or generator, with intent to injure or damage any person or body corporate, or to delay or retard the running of any engine, locomotive or machinery, every such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the penitentiary and kept at hard labor not less than one nor more than ten years, at the discretion of the court, and shall moreover be liable to any person or body corporate injured thereby in double the amount of damages sustained.

Penalty for putting soap, alkali, &c., into boilers, wells, &c.

SEC. 2. This act shall take effect on its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 20, 1874.

AN ACT

To amend section one of the act entitled an act to require County Commissioners to construct approaches to Bridges. (O. L., Vol. 70, page 250.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of said act be and is hereby amended to read as follows :

Section 1. That the commissioners of any county in this state shall cause to be constructed, without unnecessary delay, good and sufficient approaches or ways to bridges, which have been erected by such commissioners; and the commissioners shall contract for the construction thereof in the same manner as is provided by law for contracting for the erection of bridges by county commissioners; and the cost of constructing such approaches or ways shall be paid from the bridge fund of the county, on the order of the commissioners: Provided, this act shall be applicable only [only] to counties when by the federal census of A. D. 1870 there are less than thirty thousand inhabitants; provided, that the trustees of the several townships shall cause to be built and kept in repair all bridges and culverts (except upon improved

Duty of commissioners in construction of approaches, etc.

Duty of township trustees.

and free turnpike roads) where costs for construction does not exceed twenty-five dollars, and that the township trustees are hereby authorized to levy a tax for the payment of the same.

SEC. 2. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONZO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

Supplementary to an act "entitled an act to regulate the Platting of Lands and laying out of Streets in municipal corporations," passed March 13, 1871. (O. L., Vol. 68, page 36.)

Commission
to plat lands
to be ap-
pointed by
council.

Powers and
duties of
commission.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first class, having a population not exceeding one hundred and fifty thousand inhabitants, that it shall be lawful for the council of any municipal corporation, whenever it shall be, in their opinion, expedient, and whenever the corporate limits shall be enlarged, to appoint a commission to plat such portions of the territory within its limits, in which the necessary or convenient streets or alley have not already been accepted by the corporation so as to become public streets, as they may by resolution declare, or the whole of such territory, if they think proper. Such commission shall consist of three members, to be appointed by the mayor and confirmed by the council, who shall receive such compensation as the council shall provide; and shall hold their office until the completion of their work, unless removed by council. Council, upon recommendation of the mayor, shall have power to fill all vacancies caused by removal or otherwise. The commission shall have power to employ an engineer, and such assistants as they may find necessary, and fix their salaries within limits to be prescribed by council. It shall be their duty to make a plat of the territory which they are ordered to lay out, as soon as they can conveniently do so, showing the location of the streets and alleys already dedicated and those proposed; and for the purpose of making the necessary surveys they shall have power to enter upon all property within the limits of the corporation. When the whole plan, or any portion thereof, is completed, or when the location of any avenue, street, roadway or alley has been finally determined upon by said commission, a plat of said plan, avenue, street, roadway or alley shall be placed in the

office of the city civil engineer, for the inspection of persons interested, and notice that it is ready for inspection shall be published in one or more newspapers of general circulation within such municipal corporation, for six consecutive weeks. During these six weeks the commission shall hold sessions at least once a week, at a time and place stated in the advertisement, and at such other times and places as they may deem proper, to hear any objections that may be urged against any portion of said plat, or the location of any avenue, street, roadway or alley, and they shall make such alterations therein as they may deem proper. At the end of that time they shall cause copies of the plat, as finally adopted, to be made out, and such monuments or marks as they may think proper to be placed on the grounds, and shall deposit one copy, certified to by them, in the office of the county recorder, and another in the office of the city civil engineer, and such plan shall be deemed and taken to be the regularly adopted plan for streets and alleys in said territory; and no streets or alleys, except those laid down on such plan, shall subsequently be in any way accepted as public streets or alleys by the municipal corporation, nor shall any of the public funds be expended in the improvement or repair of streets or alleys subsequently laid out and not on such plat: Provided, however, that nothing herein shall be construed to prevent any municipal corporation from exercising the power of condemnation in any of the cases where it is now or may hereafter be by law authorized to condemn and appropriate property to public use, although it be not shown as a street on such plat.

Copies of
plats to be
made out,
etc.

SEC. 2. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To provide for the republication of certain volumes of the Ohio State Reports.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the secretary of state be and he is hereby instructed to contract with Robert Clarke & Co., of Cincinnati, for three hundred and fifty (350) copies of each of volumes two to eighteen (2-18) inclusive, of the Ohio State Reports, at the same price, two dollars and a half (\$2.50) per volume, and in the same style and workmanship as to paper, printing and binding, as was required for the volumes of the Ohio Reports contracted for with them June 2d, 1872, and supplied by them: Provided, that the said Robert Clarke & Co. will enter into bond to the state in the penal sum of ten

Secretary of
State to con-
tract with
Robert
Clarke & Co.

Conditions.

thousand dollars, with at least two good and sufficient sureties, residents of the state, conditioned for the printing and binding as provided in this act, and for the faithful performance of the further obligations herein specified, to wit: 1st. That they will stereotype the said volumes, and keep them in print for a period of twenty years, and supply the demand of citizens of the state for said reports at two dollars and a half a volume. 2d. That they will reduce the price of volumes 19, 20 and 21, Ohio State Reports, now stereotyped and owned by them, from five dollars, the present price, to two dollars and a half per volume. 3d. That they will take from the state six hundred and fifty copies of the surplus stock of volume one Ohio State Reports now in the custody of the state librarian, and receive the same in part payment of the volumes to be reprinted as provided in this act, at the rate of two dollars a volume unbound; and that they will sell these volumes to the citizens of this state at two dollars and a half (\$2.50) bound, so as to make the entire set of Ohio and Ohio State Reports uniform in price: Provided that, whereas there is now on hand, in the possession of the state, fifteen hundred and fifty-five copies of the Ohio State Reports, of the volumes of said reports provided to be purchased by the provisions of this act, therefore the number of each volume of said reports intended to be purchased shall be reduced by the number of the copies of such Report on hand as aforesaid, it being the intent and meaning of this act to provide for the purchase of a sufficient number of each Report to make, with those on hand, 350 volumes.

Proviso, as
to certain
volumes.

SEC. 2. This act shall take effect on its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 20, 1874.

AN ACT

To enable trustees of Religious Denominations to become incorporated, and defining their powers.

Method of
becoming
bodies cor-
porate.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any presbytery, synod, conference, diocesan convention or other representative body, of any religious denomination in this state, shall desire to create a board of trustees for any endowment fund or other property of the denomination represented by such body, and shall, at any regular meeting of such presbytery, synod, conference, diocesan convention or other representative body of such denomination, elect not less than five members of such denomination, three-fifths of whom shall be resident freeholders in this state, to serve as trustees, giving their names and the character of the endowment fund or other property to be intrusted to their care and the uses to which it is to be

applied, which statement shall be subscribed by the proper presiding officer, and secretary or clerk of such body, before some clerk of a court of record, notary public or other judicial officer having a seal, who shall attest the signing of the same, and the statement then authenticated shall be filed and recorded in the office of the secretary of state; the persons named in such statement as trustees shall, thereupon, with their successors in office, become a body corporate and politic for the purposes in such statement specified, and a copy of such record, certified by the secretary of state, under the great seal of the state of Ohio, shall be evidence of the existence of such corporation.

SEC. 2. The said board of trustees and their successors in office shall be a body corporate and politic, with perpetual succession under such name, and shall hold their offices for such terms as shall be designated in the statement filed in the office of the secretary of state as herein provided.

Board of trustees thereof.

SEC. 3. Such trustees, if chosen to take charge of any endowment fund, shall have power to hold, invest, manage and dispose of the same in accordance with the purpose for which the same was created, subject to such regulations as the body electing such trustees may from time to time prescribe.

Prerogative of trustees.

SEC. 4. If the trustees are chosen to take charge of and manage any other property that may be owned, or in any manner acquired by such religious denomination, they shall have full power to hold, invest, control and manage the same for the benefit of the denomination within the presbytery, synod, conference, diocese or other ecclesiastical territorial limits represented by said trustees, subject to the direction of the proper representative body of such denomination within such territorial limits as aforesaid. And in case any parish or congregation connected with the denomination represented by said trustees shall, by reason of the death or dispersion of its members, become extinct, the trustees shall have power to take possession of the church property of such parish, congregation or society, whether real or personal, and rent, lease, sell, invest or otherwise dispose of the same, for the benefit of the denomination represented by such trustees, within the territorial limits represented by the body appointing such trustees, and subject to such regulations as said body may prescribe: Provided, that all property held by trustees created under this act, and the proceeds thereof, shall be applied to the use and benefit of the proper denomination within this state.

Further powers and duties.

SEC. 5. This act shall take effect on its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 20, 1874.

AN ACT

To provide for the repair of Free Turnpike Roads in certain counties, and to authorize the County Commissioners of any county in this State to constitute a Board of Directors to regulate the hauling of heavy burthens on any free turnpike or improved road.

County commissioners to constitute a board of directors in certain counties.

Powers and duties of the board.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That by virtue of their office, the commissioners of any county having a population of more than eighteen thousand seven hundred (18,700) and less than nineteen thousand (19,000) at the last federal census, are hereby constituted a board of turnpike directors, under whose management and control all the free turnpikes in such county shall be exclusively vested. That it shall be the duty of such directors, at their first meeting as such board, to divide the county into three districts, as near equal in number of miles of turnpikes and conveniently located as may be practicable, and each director shall have the personal supervision of one of such districts, subject to all rules and regulations that may be from time to time agreed upon by said board. It shall be their duty to hold a meeting as such board, at such time within sixty days after the passage of this act as they may determine, and at least once in three months thereafter, at their office at the county seat of the county, and shall be governed in all transactions of business by the rules governing county commissioners. They shall have power to appoint suitable persons to superintend the work of repairs on the several turnpikes, and a suitable person to serve as clerk of such board, who shall record all the proceedings of said board in a book to be provided for such purpose by the county commissioners, which shall be open for examination to all persons interested, on all proper occasions. They shall cause notice to be published in at least one newspaper of general circulation in the county, of such rules as may be adopted for the regulation of labor and travel on said turnpikes, notice of the regular meetings of said board, and on or before the second Tuesday of April in each year, a statement of receipts and expenditures in detail for the year. They shall have power to contract for labor and material, either at public sale or private contract, as may best subserve the interests of the different roads, and shall certify to the county auditor, on or before the first Monday in June of each year, the amount of money necessary for the purpose of keeping such turnpikes in good repair: Provided, that when in the opinion of the said board the interest of any of said turnpikes require, they are hereby authorized to enter upon any lands in said county and take the gravel or other material necessary for the repair of said turnpikes, and shall give a certificate to the owner or owners of such material so taken, which shall state the value thereof, together with the amount [of] damage to said lands by reason of the removal of said material, and the county

auditor, upon the presentation of said certificate, shall issue an order upon the county treasurer for the amount so certified, who shall pay the same out of the turnpike fund; provided, further, that in case said owner or owners are not satisfied with the value so certified by said board, shall have the right to appeal to the probate court of said county, subject to all the provisions of the statute now in force relating to the condemnation of material for road purposes; provided, further, that a notice of such appeal shall be filed with the probate judge of said county within ten days after the delivery of said certificate.

SEC. 2. That upon the issue of the certificate as mentioned in the first section of this act, the county auditor shall levy upon all the taxable property of the county such sum, not to exceed three-twentieths (3/20) of one mill for every ten miles of turnpike completed in such county, the receipts thereof to constitute a turnpike fund in the county treasury, to be paid out only upon the order of the county auditor of the county, issued upon the certificate of the board of turnpike directors, properly attested by the clerk of said board: Provided, that in all counties wherein a levy is made for turnpike repair purposes as provided in this act, the county commissioners shall make no further levy for general road purposes, and in such case the township trustees of such townships in such counties, are hereby authorized to make such levy for common road purposes in their several townships as they may deem proper, not to exceed in amount the combined levy that would have been authorized by county commissioners and township trustees in case no levy had been made under the provisions of this act; provided, further, that in all townships wherein free turnpikes are located and placed under the control of turnpike directors under the provisions of this act, the township trustees of such townships shall, at their annual meeting in March, designate and set off such portion of the two days' labor as they may deem just and equitable, to be performed under the control of the said board of directors or their superintendents, subject to all the rules and regulations of the statute for its performance under the direction of road supervisors. The compensation for services as such director shall be the same in all respects as county commissioners, and the services of superintendents and clerk of said board shall be subject to the agreement of the board, but not to exceed two dollars and fifty cents per day for time actually employed, and to be paid out of the turnpike fund.

SEC. 3. Said board of turnpike directors shall have power and are hereby required to regulate burthens that may be transported over said turnpikes, and prescribe the width of tire on such vehicles used by persons engaged in the business of transporting unusually heavy loads of timber, stone, gravel and other heavy material over said turnpikes: Provided, such width of tire shall not be required to exceed five and one-half inches. That the operation and provisions of this section (3) shall apply to all free turnpikes or improved roads, and the county commissioners of any county in this state shall constitute a board of directors within the meaning of this act, [with]

County auditor to levy, etc.

Proviso as to certain townships.

Further powers, etc.

power to regulate burthens that may be transported over the several free turnpikes or improved roads in their respective counties.

Penalty for violation of rules, etc.

Definition of term "turn-pike."

SEC. 4. Any person who shall violate, either by himself or agent, any of the rules or regulations adopted by said board, and recorded in their book of records, authorized in section three (3) of this act, shall, upon conviction thereof before any justice of the peace of the county, be fined in any sum not less than ten dollars for each offense. All fines collected under the provisions of this act, shall be paid into the county treasury for the use of the turnpike fund created by this act. Wherever the word turnpike occurs in this act, it shall be taken and held to include all roads constructed or improved under the act entitled an act to authorize the county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named, passed March 29, 1867, and the acts amendatory thereof or supplementary thereto.

SEC. 5. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To amend section nineteen of an act for the relief of the Poor, passed April 26th, 1872. (O. L., Vol. 69, p. 119.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section nineteen of the above recited act be so amended as to read as follows:

Board of infirmary directors in certain counties.

Election of board.

Section 19. In every county in this state, in which there now is or hereafter shall be a county infirmary, there shall be a board of infirmary directors, composed of three electors, residents of such county, and also residents of the territory to be taxed for the support of said infirmary, who shall be chosen by the qualified electors of the county, or in case the whole county is not so taxed, then by the qualified electors of the territory to be taxed for the support thereof, at the general election; in every county in which an infirmary is now completed, one of said directors shall be chosen at each annual election, and shall hold his office for three years, or until his successor is chosen and qualified, and in every county in which an infirmary shall be hereafter completed, three directors shall be chosen as aforesaid at the first annual election thereafter—one for one year, one for two years and one for three years, and at each succeeding annual election one director shall be chosen, who shall hold his office for three years, or until his successor is elected and qualified, and the directors elected as aforesaid shall, previous to entering upon

the duties of their office, take an oath or affirmation faithfully to discharge the same, and execute a bond with two good and sufficient sureties in a sum not less than two nor more than thirty thousand dollars, to the acceptance of the commissioners of the county, and the bond shall be payable to the state of Ohio, and conditioned for the faithful discharge of the duties of their office, which bond shall be filed with the treasurer of said county, and the board so qualified shall appoint a clerk of their own body, whose duty shall be defined by the board, and it is further provided, that all infirm directors now in office shall execute a bond as above provided on or before the fifth day of June, A. D. eighteen hundred and seventy-four; if any director shall fail to execute a bond as herein provided, the commissioners of said county shall declare his office vacant and proceed to fill said vacancy as provided by law.

Oath, bond,
&c.

SEC. 2. That section nineteen of the above recited act be and the same is hereby repealed: Provided that nothing in this act shall be so construed as to effect [affect] any person or persons now holding office under the section herein repealed.

Repeal and
proviso.

SEC. 3. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To change the time for holding the summer term of the Court of Common Pleas for the year 1874, for the county of Richland.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time for holding the summer term of the court of common pleas for the year 1874, in the county of Richland, be and the same is hereby changed, and that said term be held on the 14th day of September, 1874, instead of the 17th day of August, 1874, as fixed by the judges of said judicial district.

Term to be
held 14th
September.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To change the time fixed for holding the second term of the Court of Common Pleas for the year 1874, in the county of Auglaize.

Term to be
held 25th
May.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time for holding the second term of the court of common pleas for the year 1874, in the county of Auglaize, as fixed by the judges of the third judicial district, be and the same is hereby changed, and that said term be held on the (25th) twenty-fifth day of May, instead of the (23d) twenty-third day of May, in said year, as fixed by said judges.

SEC. 2. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To more effectually provide for locating, establishing and constructing Ditches, Drains and Water - courses in townships, and to repeal certain acts therein named.

Township
trustees to
establish
ditches, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the township trustees of any township in this state shall have power, whenever in their opinion the same is demanded by, or will be conducive to the public health, convenience or welfare, to cause to be established, located and constructed, as hereinafter provided, any ditch, drain or water-course within such township.

Clerk to pur-
chase blanks,
books, etc.

SEC. 2. That if the trustees of any such township shall have occasion to exercise the power conferred upon them by this act, they shall authorize the clerk of such township to purchase a sufficient number of printed blanks for all petitions, notices, certificates, statements, and bonds which are necessary to be given under the provisions of this act, and one ditch journal, to be paid for out of the township fund; and at the request of any person or persons who may desire to file a petition and bond for the locating and establishing of a ditch, drain or water-course, as hereinafter provided, the township clerk shall fill out such blank petition and bond for the person or persons making the request; but nothing in this section shall be taken to prevent the use of written petitions, bonds, certificates, notices, or other requirements provided for in this act.

Petition
must be
filed, etc.

SEC. 3. That before the township trustees of any such township shall take any action towards locating or establishing any ditch, drain or water-course, there shall be filed with

the township clerk a petition from one or more persons owning lands adjacent to the line of any such proposed ditch, drain or water-course, setting forth the necessity of the same, with a substantial description of the proposed starting point, route and terminus, and shall at the same time file a bond with good and sufficient securities to the acceptance of said township clerk, conditioned to pay all expenses incurred in case the trustees shall refuse to grant the prayer of the petition. And thereupon the township clerk shall give notice to the township trustees of the filing and tendency of said petition, and said trustees shall immediately determine and designate a time and place when and where they will meet to hear said petition and determine their proceedings thereunder. And thereupon the township clerk shall prepare a necessary number of notices for the petitioner or petitioners, who shall cause one such notice to be given to each owner or owners of each tract of land sought to be affected by said proceedings, of the filing and tendency of said petition; said notice to state substantially the prayer of said petition, the time and place, when and where the same will be for hearing by the township trustees. If any person, owning lands sought to be affected by said proceedings, be a non-resident of the county, a notice, such as is contemplated by this section, shall be given him by mail, if such residence be known by the said clerk; and if such residence be not known by the said clerk, then by publication, for two consecutive weeks, in some newspaper published or of general circulation in said county.

Notice to
be given.

SEC. 4. That if any person or persons giving bond conditioned for the payment of all costs and expenses, as provided for in section three of this act, shall fail or refuse to comply with the considerations of such bond, in case the township trustees shall refuse to grant the prayer of said petition, the said trustees may bring suit before any justice of the peace in the township upon his, her or their bond, and collect all costs and expenses, with costs of prosecution, and pay out the same in conformity with such estimates made in the case; and the ditch journal containing the record of their proceedings, or a certified copy therefrom, shall be prima facie evidence of such indebtedness.

Suit upon
bond before
justice, etc.

SEC. 5. The death of any party or parties in interest shall not work an abatement of proceedings under this act, but the trustees being notified, shall order such notice as is contemplated in section three of this act to be given to the person or persons succeeding to the right of such deceased party or parties: Provided, further, that any ditch may be located and established through a portion of any two townships within the same county, or where the benefits or damages shall attach to lands situated in the same, the trustees of said townships shall constitute a joint board for such proceedings, and in such case the petition shall be filed with, and the record be kept by, the clerk of the township through which the greatest portion of such ditch may run; and in all other respects such joint board shall have the same powers and authority that the township trustees have under this act.

Proceedings
on death of
party inter-
ested.

Claims for compensation to be made in writing, etc.

SEC. 6. That any person or persons claiming compensation for lands appropriated for the purpose of constructing any ditch, drain or water-course under the provisions of this act, shall make his, her or their application in writing therefor to the clerk of such township, on or before the day appointed for the hearing of said petition, which application shall be laid by said clerk before the trustees; or in case the trustees should establish the ditch, or a portion thereof, on a line different from that specifically described in the petition, insomuch that the same shall pass through tracts of land not described or contemplated by the petition, then and in such case the owner of such land may make his, her or their application in writing for compensation, at any time before the order of the trustees establishing and locating such ditch is entered upon the township record; and on failure to make such application in either of said cases, such owner or owners shall be deemed and held to have waived his, her or their right to such compensation.

Hearing on the petition.

SEC. 7. That on the day set for the hearing of said petition, if it appear to the trustees that any person or persons who may be interested in said ditch have not been notified as required by this act, or that any requisite preliminary steps have not been taken, they shall adjourn to some future time, not exceeding twenty days, and order such notice to be given, or such preliminary steps to be taken; and a majority of said trustees shall be competent to perform any of the requirements of this act. But if said trustees shall find that said bond has been filed, and said notice been given, they shall proceed to hear and determine said petition, and shall view the premises along said proposed route; and if they find such ditch, drain or water-course to be necessary, and that the same is demanded by or will be conducive to the public health, convenience and welfare, shall proceed to locate and establish such ditch, drain or water-course, in substantial conformity with the route described in the petition, or as near said described route as in their opinion would best answer the purpose; and they shall at the same time examine into and determine all applications made to them for compensation, as provided for in the sixth section of this act, and shall specify the several amounts, by whom and to whom to be paid, and the time of payment. Said trustees, in hearing and determining said petition, may call to their assistance an engineer to locate, level and measure the course of such ditch, drain or water-course, and such other assistance as may be necessary, and may adjourn from time to time to determine their proceedings herein.

Location if necessary.

Engineer to be called when necessary.

Change of route.

SEC. 8. That at the time of the hearing and determining of said petition, if any person or persons interested in the location of such ditch make a written request to change the route of the said ditch, for his, her or their own special interest and convenience, the trustees may so change the said route, provided a good and sufficient ditch, drain or water-course can be had; but in all cases where such change would increase the amount of work to open the said ditch, then the whole of said increased amount of work shall be apportioned

to the person or persons making said request, in addition to his, her or their proper share of the balance of the ditch.

SEC. 9. That it shall be the duty of the said township trustees, in locating and establishing a ditch, drain or water-course under the provisions of this act, to divide the same into suitable sections, not less in number than the number of owners of land through which the same may be located, and apportion the said sections equitably to the parties benefited, according to the benefits derived therefrom, and shall prescribe the time within which the work shall be completed and by whom done; and the day upon which the said trustees conclude their proceedings on said petition, according to sections seven, eight and nine of this act, shall be deemed the date of their decision on said petition.

Work to be divided into sections.

Time within which the work must be completed.

SEC. 10. The following fees shall be considered lawful allowances for locating and establishing ditches, drains or water-courses under this act: Township trustees, one dollar and fifty cents per day each; township clerk for recording each individual proceedings of trustees, ten cents per hundred words; for apportioning cost of locating and recording the same, twenty-five cents; for each petition or bond, fifteen cents; for each notice or statement, five cents; chainman or axman, each one dollar per day; engineer, five dollars per day for locating, and three dollars for plat and profile.

Fees for locating, etc.

SEC. 11. That within five days after their said decision on said petition, the trustees shall make a full and complete report of their proceedings had on said petition to the township clerk, and in said report they shall designate the amount of costs made in locating such ditch according to section ten of this act, and shall prescribe the time when such costs shall be paid, together with the width, depth and flare of the ditch determined upon.

Trustees to report proceedings, etc.

SEC. 12. That the township clerk shall record the said report of the trustees in the ditch journal of the township, and apportion the payment of the costs of location to the parties interested in such ditch, so that the ratio of each person's share of costs is to the whole cost as is the ratio of his, her or their number of section or sections so apportioned by the trustees to the whole number of sections of the ditch; and the said clerk shall prepare for the use of each person having costs to pay and labor to perform a brief statement in writing, or by printed blank filled out, describing briefly his, her or their appointment of such ditch, drain or water-course, together with the length, depth, width and flare of the same, the amount of costs assessed against such person or persons, when to be paid, and by what time said work to be completed.

Report to be recorded, costs apportioned, etc.

SEC. 13. The township trustees, at the expiration of the time specified for the completion of such work as provided for in section nine of this act, may, if they deem it necessary and proper, extend the time for the completion of such work to a time not exceeding four months from the time previously specified, and the township clerk shall record such extension of time on the ditch journal.

Extension of time when necessary.

SEC. 14. And when the said trustees have located and established any such ditch, drain or water-course under this

Erection of
flood-gates,
water-ways,
etc.

act, they may, if they deem it necessary, make an order requiring flood-gates or water-ways to be erected along the line thereof at all such places, when the owner or owners of land along such ditch may desire to build or place any fence or fences over the same; and said trustees may prescribe in their said order the length, height and kind of flood-gates or water-ways which shall be erected at all such fence crossings, and the persons owning the land upon which the same may be erected shall thereafter keep the same in good repair; and if any such owner shall drive, or permit stakes to be driven in the channel of such ditch, or in any other manner obstruct said ditch at any such fence crossing or other part of such ditch, and permit such obstructions to remain after ten days' notice in writing by the township trustees, it shall be the duty of said trustees to sell out the work of moving such obstructions and hindrances to the lowest responsible bidder, after giving ten days' notice of the time and place of such sale, and the time within which the work is to be performed; said notice to be given by posting up written notices or hand-bills in three or more of the most public places in the township. When such sale is made the said trustees shall take sufficient security for the performance of said work; after said sale, the proceedings to collect the amount necessary to pay the purchaser for said work shall be the same as are provided in section twenty-two of this act.

Removal of
obstructions.

Appeals from
proceedings.

SEC. 15. It shall be lawful for any person or persons interested in the location of such ditch, drain or water-course, or in the amount of compensation determined upon by said trustees, to take an appeal from the proceedings of said trustees to the probate court of such county, by giving written notice thereof to the clerk of such township within eight days after the decision of said trustees, and by filing with such clerk a bond, with two or more sufficient securities, conditioned for the payment of all costs made upon such appeal in case the decision of said trustees shall be sustained in said probate court; which bond shall be made to the acceptance of said township clerk and the probate judge of such county, their acceptance indorsed on the same, and filed by said probate judge with the other papers in the case. The township clerk shall thereupon, at the request of each person so appealing, his agent or attorney, make out and deliver to each such person, his agent or attorney, a full and complete certified transcript of the proceedings had in the case, which transcript shall be filed with the probate judge of such county within ten days from the filing of such bond.

Trial on ap-
peal before
probate
judge.

SEC. 16. It shall be the duty of the probate judge, upon the filing of such bond and transcript as provided for in the fifteenth section of this act, to impanel a jury of twelve disinterested freeholders of the county (who shall not be residents of such township), who shall constitute a jury for such case; and said probate judge shall issue, over his hand and seal of office, a notice of such appointment, directed to the sheriff of such county, returnable on a day not exceeding forty days, therein named, which notice shall also specify the time of meeting of said jury in said probate court; that it shall be

the duty of the appellant to notify, in writing, all persons so interested in the location of such ditch, drain or water-course, of the time fixed by the probate judge for the meeting of such jury; and if any person shall reside out of the state, or cannot be served in writing with such notice, said probate judge, being notified of that fact, shall cause such notice to be published for three consecutive weeks in some newspaper printed or of general circulation in said county; that proof of the publication of such notice shall be filed in such probate court before the meeting of such jury, together with proof of the service of such notice in writing, on all such persons interested as aforesaid, at or before the time so specified: Provided, that in all cases where two or more persons shall have taken an appeal according to the preceding section, the probate judge shall order the consolidation of such cases into one case, and the rights of all the parties in interest shall be investigated by the jury in the one case thus consolidated; in the event of any such consolidation, any one of the appellants shall be competent to give the notice required in this section.

Consolidation of cases.

SEC. 17. That at the time specified in said notice, said probate judge shall hear and determine all preliminary questions pertaining to such case, and shall, thereupon, administer an oath to said jury, faithfully and impartially, and upon actual view of the premises along the route of such ditch, and report in writing to said court:

Subjects of inquiry on trial.

First—Whether it will be conducive to the public health, convenience or welfare, to cause said proposed ditch, drain or water-course to be established or located.

Second—The amount of compensation due to each person in case of the location of the same; and,

Third—The amount of labor to be performed by each person interested in the opening and constructing of the same.

That the jury shall file such report with the probate judge within nine days after taking such oath (unless the court, for good cause, allow further time), specifying the sections and work to be done, as provided in section nine of this act. The probate judge is hereby authorized to adjourn the proceedings in the premises from time to time, as circumstances may require. If, on the hearing of the preliminary proceedings referred to above in this section, the probate judge shall find that the proceedings in appeal have not been perfected according to this act, he shall dismiss the appeal at the cost of the appellant and certify such dismissal back to the trustees of the township, who shall thereupon proceed as if no appeal had been taken: Provided, that such judge may, in his discretion, order and allow the correction of any technical defect, error or omission, in making such appeal.

Report to be filed with probate judge, &c.

SEC. 18. Upon the return of said jury, said probate judge shall make a record of all their proceedings had in such case before him, and shall also make such order as to the payment of compensation for land used, for work to be performed, and as to the time of payment and opening and locating such ditch, drain or water-course, as said jury shall

Proceedings on return of jury.

Costs and
compensa-
tion.

report; and shall also tax such costs in said proceedings, as are provided for by law in similar cases; which costs, together with those made before said township trustees, shall be divided, to be paid in fair proportion amongst the several persons interested in the location of such ditch, drain or water-course, in conformity with the report of said jury: Provided, that if the report of such jury shall not be in favor of the appellant, all costs made on such proceedings in said probate court shall be taxed to and paid by such appellant, and collected as judgments at law as in other cases; but if two or more persons shall have appealed, and the report of said jury shall be favorable to some of the appellants, and against the other appellants, the probate judge shall apportion said costs equitably among all the other appellants, except those in whose favor the report of the jury is made; and, provided, also, that said township trustees shall be allowed one dollar and fifty cents per day for each day employed in such proceeding; and said jury shall be allowed one dollar and fifty cents per day each, together with mileage from their respective residences to the probate court and to the place of said proposed ditch, drain or water-course, at the rate of five cents per mile.

Sale of work
undone at
expiration
of time.

SEC. 19. That said ditch, drain or water-course, shall be opened and worked, and compensation for land used in the construction of the same paid within the time specified in the order of said probate judge; and at the expiration of such time, any such work remaining undone, and the probate judge being notified of that fact, shall immediately give notice of the sale of such work by sections, or parts of sections, of said ditch, drain or water-course, to the lowest bidder, by written or printed hand bills. The time of such sale shall not be less than ten nor more than twenty days from the date of the notice; and the place of sale shall be either at the door of the court house, or at the proposed terminus of such ditch, as said probate judge shall direct; that said probate judge shall take such security for the performance of such work as he may deem necessary, and he shall, immediately after such sale, enter his proceedings on his journal, and make them part of the record in such case; and shall thereupon certify to the auditor of the county the several amounts, including costs apportioned, so assessed against each owner or person interested as aforesaid, describing each piece or parcel of land so to be charged. And the said auditor shall thereupon enter the same on the duplicate of such township, to be collected as other taxes are collected, and shall be paid over on the order of the county auditor to the probate judge of the county, who shall keep a correct account of same, and shall pay the same over to the several persons entitled thereto, whenever he shall be satisfied that the several sections have been completed according to the report of the jury theretofore made.

Duty of
trustees
when no ap-
peal is taken.

SEC. 20. As soon as an appeal shall be perfected from the decision of said township trustees, all further proceedings before them on said petition shall be stayed; but if no appeal shall be taken as provided for in section fifteen of this act,

then it shall be the duty of said trustees, upon the expiration of the time specified by them for the opening of such ditch, drain or water-course, immediately proceed to inspect such ditch; and if any section or sections, or part of a section, has not been completed, the said trustees shall accept a bond with sufficient security from such person or persons having such unfinished work to perform, conditioned for the faithful completion of such work, within such time as the said trustees shall specify in the bond; but if any such person or persons aforementioned, having unfinished work at the time of inspection as aforesaid, who shall fail or refuse to give bond for the completion of such unfinished work, then the said trustees shall immediately proceed to sell such unfinished work by such sections to the lowest bidders; by setting up written or printed notices of such sale in at least three of the most public places in such township, specifying the time when such work shall be completed; said notices to be posted up for at least ten days before the day of sale; and said trustees shall take such bond or other security for the performance of such work as they may deem proper: Provided, that before the work of constructing such ditch shall be sold by the township trustees, said trustees shall make a fair and impartial estimate of the cost of said work, which estimate shall be entered upon the ditch journal, and said work shall not be sold for any sum exceeding twenty per cent. above said estimate, and the fees and allowances in all such proceedings, and the apportioning and assessing of such costs and expenses, shall be the same as in the original location and establishment of the ditch, to be paid by the person or persons whose section or sections of such ditch shall be sold, and collected and paid out as provided for in section twenty-two of this act.

Sale of unfinished work.

Estimate of cost to be made.

SEC. 21. If any person or persons giving bond in either case, or in both cases, as provided in section twenty of this act, for the completion of such unfinished work, shall fail to comply with the conditions of said bond within ten days after the time specified in the said bond for the completion of such work, he, she, or they shall be held liable on the said bond to pay all costs and expenses incurred, and pay all damages and costs of prosecution arising in consequence thereof; and said township trustees shall immediately bring suit in the name of their said township, before any court having competent jurisdiction, against such person or persons giving the said bond, for all costs and expenses resulting from the non-performance of such work; and the journal containing the record of their proceedings, or a certified copy therefrom, shall be prima facie evidence of such indebtedness. And it shall be lawful for any person or persons who shall have sustained any damage in consequence of the non-performance of such said work, to bring suit before any justice of the peace of the township whenever the damage has been sustained, against the said person or persons, and collect damages, with cost of prosecution, in the same manner as the law provides in suits for damages. And the said trustees shall immediately proceed to sell or re-sell, as the case

Liability on bond, &c.

Suit for damages.

may be, such said unfinished section or sections, in conformity with the provisions of section twenty of this act, in the same manner as if no previous bond or bonds on previous sale had been taken; and if the purchaser or purchasers shall also fail to complete such work, then the said trustees shall again enter suit as aforementioned and provided for in this section of this act, and also again re-sell in conformity with this act, until the said work shall be completed.

Completion
of work to be
certified to
auditor; pay-
ment of ex-
penses, &c.

SEC. 22. As soon as such work shall be completed in conformity with such sale, as provided for in section twenty of this act, and to the satisfaction of said trustees, said trustees shall immediately certify to the auditor of the county the amount each section sold for, adding the proportionate amount of costs and expenses of such sale, together with a correct description of each piece of land upon which the same is assessed; and said auditor shall place the same on the duplicate, to be collected as other state and county taxes are collected; and said trustees shall at the same time certify the amount due to each person to the auditor of the county, and said auditor shall draw orders for the payment of such amount out of the county treasury: Provided, that any person interested may pay the amount of the purchase money and proportionate share of costs and expenses as aforesaid to said trustees at any time before the same are charged on the duplicate, to be paid by said trustees to the purchaser of such section or sections respectively.

Costs to be
paid by ap-
pellant.

SEC. 23. If the jury so appointed by said probate judge shall report in conformity with the proceedings of said trustees, as far as the interest of the persons so appealing shall be concerned, then and in that case all costs made on such appeal shall be taxed against such appellant.

Delinquent
costs to be
collected as
taxes.

SEC. 24. That if any person or persons shall fail or refuse to pay his, her, or their apportionment of costs of the locating and establishing of such ditch, drain or water-course, or of the cleaning out, deepening, widening or repairing of such ditch, drain or water-course, by the time specified by the township trustees for the payment of such costs, the said trustees shall certify the same to the auditor of the county, giving a correct description of each piece of land upon which such cost is assessed, and the said auditor shall place the same on the tax duplicate, to be collected as other state and county taxes are collected; and the county treasurer shall pay over such amount to the township treasurer as other township funds, specifying the purpose of the same; and the said trustees shall pay out the same in conformity with such record on the ditch journal.

Liability of
trustees for
failure of
duty.

SEC. 25. That if any township trustees shall fail or neglect their duty devolving upon them according to the provisions of this act, and any person shall sustain any damage in consequence of such failure or neglect, it shall be lawful for such said person to bring suit before any justice of the peace against such said trustees for damage and cost of prosecution at the discretion of the court, in the same manner as the law in suits for damages provides.

SEC. 26. The township trustees shall have the same power

to cause any ditch, drain or water-course located and constructed under the provisions of this act or acts herein repealed, or otherwise, to deepen, widen or enlarge the capacity of such ditch, drain or water-course, as they have to order any such ditch, drain or water-course to be located and constructed under this act, and the same proceedings, so far as necessary and applicable, shall be had as is required in the location and construction of the same; in all cases the expenses of the same to be apportioned in the same manner as in the original construction.

Powers of trustees under this act.

SEC. 27. For the purpose of keeping any ditch open and in good repair, that may be located and constructed under the provisions of this act, or the acts herein repealed, any one resident land owner through whose land such ditch passes or adjacent thereto, may make his or her statement in writing to the trustees of the township wherein the said ditch is located. Said statement shall set forth the necessity of cleaning out and repairing said ditch. Upon receiving said statement as aforesaid, the said trustees shall immediately appoint one of their number to go upon the line of said ditch and examine the same carefully, and if he shall be of the opinion that the said ditch should be opened and repaired, the said trustees shall immediately order the township clerk to forthwith notify the owner or owners of each tract of land, or their agent, so far as their residence is known to said clerk, directing him or them to clean out and repair said ditch to its original capacity within six months from the date of said notice, and in order that each person may know the original capacity of said ditch, the said notice shall contain a verbatim copy taken from the journal record of said ditch of each person's original apportionment, together with the length, depth, width and flare of the same; said notice to be in writing or printed, and to be sent to said owner or owners by mail or otherwise; and each person so notified shall clean out and repair the same portion of said ditch as was originally apportioned to his, her or their tract of land. Said tracts of land shall be the same land that the journal record of said ditch shall describe. But if the residence of the owner or owners of any such tract of land, or his, her or their agent, is not known to the said clerk, it shall be the duty of said clerk to cause to be posted up in at least three of the most public places in the township in which the said ditch is located, written or printed notices of the time required for the cleaning out and repairing of said ditch. Immediately after the expiration of the said six months, the said trustees shall appoint one of their number to examine said ditch, and determine whether it has been cleaned out and repaired as directed in the said notice, and if the ditch has been cleaned out and repaired to its original capacity, the parties interested shall be discharged from further obligation under said application and notice; but if, on examination, any of the parties who have been notified as aforementioned, shall not have cleaned out and repaired such ditch as directed in said notice, the said trustees shall then immediately proceed to sell said cleaning out and repairing of said

Proceedings for keeping ditches in repair, etc.

Notice to non-residents.

Sale of work for repairs, etc.

ditch to the lowest bidder in substantial conformity, and in the same manner as the provisions of this act provides for selling unfinished sections of ditches. The said trustee appointed by the said trustees as aforementioned to examine such ditch, shall be entitled to receive one dollar and fifty cents per day for his services, to be paid out of the township fund. It shall be the duty of the said clerk to make a full and complete record of the proceedings had in such case, and the said clerk shall be paid for his services out of the township fund, such amount as is allowed him for similar services, according to section ten of this act, except that portion of said services relating to such said sale, then that portion of his services shall be included in the assessment made against the parties interested, the same as other ditch sales.

Power of
trustees in
repair, &c.,
of ditches.

SEC. 28. That the township trustees shall have the same power to cause any ditch, drain or water-course located and constructed by county commissioners, to be cleaned out, widened, deepened and repaired, as they have to order the location and construction of a ditch, drain or water-course under this act, and the proceedings of such case shall be in substantial conformity with the provisions of this act.

As to collec-
tion of taxes
assessed, &c.

SEC. 29. That the collection of taxes, or assessments levied or assessed, or ordered to be levied or assessed, to pay for the location and construction of any ditch, drain or water-course laid out and constructed under and by authority of this act, shall not be perpetually enjoined or declared absolutely void in consequence of any error committed by the engineer or surveyor, or by the township clerk, or by the trustees of a township, in the location and establishment thereof, nor by any reason of an error or merely technical informality appearing in the petition or record of the proceedings, nor by reason of any want of notice by which such ditch, drain or water-course shall have been located and established. But the court in which any proceedings is now pending, or which may hereafter be brought, to reverse or declare void that portion of the proceedings of said trustees by which any such taxes or assessments levied or assessed, or ordered to be levied or assessed, to pay for the location and construction of said ditch, drain or water-course, or to enjoin the tax or assessment levied or assessed, or ordered to be levied or assessed, to pay for the labor and fees aforesaid, shall, if there be manifest error in said proceedings, set the same aside, and allow the plaintiff in the action to come in, and show wherein he has been injured thereby; and the journal containing the record of the proceedings of the said trustees on said ditch, or a certified copy therefrom, shall be prima facie evidence of such indebtedness, and the manner in which the said assessment was made; and the court shall allow the said trustees, or any of the parties interested, to show the lawfulness of the proceedings had in the case; and said court, in the final hearing, may make such order in the case as shall be just and equitable, and shall order the costs of said proceedings before him to be paid by the plaintiff, or

by the parties interested in the said ditch, or by the county treasury, as justice may require.

SEC. 30. No order for the opening or sale of any ditch, or any part thereof, located and established under this act, shall be made until the full amount of such compensation for land appropriated shall have been paid.

No order for location, &c., until full compensation is paid.
Acts repealed.

SEC. 31. That the act entitled "An act to provide for locating, establishing and constructing ditches, drains and water-courses in townships, and to repeal a certain act therein named, passed May 6, 1868, (S. & S., p. 322);" also an act entitled an act supplementary to an act entitled an act to provide for locating, establishing and constructing ditches, drains and water-courses in townships, and to repeal a certain act therein named, passed May 6, 1868, passed April 18, 1870, (O. L., vol. 67, page 93); also an act entitled an act to amend sections twelve and thirteen of an act entitled an act to provide for locating, establishing and constructing ditches, drains and water-courses in townships, and to repeal a certain act therein named, passed May 6, 1868, passed March 13, 1872, (O. L., vol. 69, page 49), be and the same are hereby repealed; provided, that such repeal shall not affect or impair any right acquired, or liability incurred, or proceedings had under the laws so repealed.

SEC. 32. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To amend section ten of an act supplementary to an act to provide for the organization and government of Municipal Corporations, passed February 10, 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section ten of an act supplementary to an act to provide for the organization and government of municipal corporations, passed February 10, 1870, be amended so as to read as follows:

Section 10. That where the voters of any ward of a city of the first class exceed eight hundred, the common council shall divide said ward or wards into two voting districts on or before the first day of July, A. D. 1874; and upon the failure or neglect of said council to so divide said wards into voting districts within the time herein prescribed, the mayor of such city shall perform the duties herein imposed upon common councils: Provided, however, that nothing herein contained shall prevent the common council of any such city, and it is hereby expressly empowered to divide any ward

Division of certain wards into two voting districts.

into as many voting districts as it may deem proper, and the vote of said districts shall be returned as the vote of the ward.

SEC. 2. Original section ten of the act above referred to is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To authorize the incorporation of Companies for the sale of Goods and Merchandise.

Incorporations for manufacturing, buying and selling certain articles.

SECTION I. *Be it enacted by the General Assembly of the State of Ohio*, That any number of persons, not less than three, may associate themselves together as is provided in the sixty-third, sixty-fourth and sixty-fifth sections of the act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, 1852, for the purpose of manufacturing, buying and selling paper bags, stationery, straw boards, sewer-pipe, stone-ware, hames, and other articles manufactured in the state of Ohio, and when so organized shall be a body corporate, having all the privileges, immunities and powers which may be deemed necessary for carrying on such business, and shall be governed in all respects by the provisions of said act and the acts amendatory and supplementary thereto, so far as the same may be applicable.

SEC. 2. This act shall take effect and be in full force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To authorize County Commissioners to repair improved roads in certain cases.

Repair of improved roads in 1874 and 1875.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That where the resident landowners, living within the bounds of any improved road, whose lots and lands have been assessed for the purpose of making said improvement, including the building of all the bridges and culverts

on the same, under the provisions of the act of March 29, 1867, entitled "An act to authorize county commissioners to construct roads on petition of a majority of the resident landowners along and adjacent to the line of said road," and to repeal an act therein named, the county commissioners of any county wherein any such road may be situated, are hereby authorized to have expended on any such improved road, for the purpose of repairing and further improving the same, during the years 1874 and 1875, a sum of money as nearly equal in amount as can be ascertained by such commissioners to what has been paid by the tax-payers on any such improved road, in building the bridges and culverts on the same. The money to be so expended shall be paid out of the bridge fund of any such county, or if the commissioners think it best, they are hereby authorized to levy upon all the taxable property of any such county a sum sufficient to carry out the provisions of this act, one-half of such levy to be made in the year 1874, and one-half in the year 1875. The labor to be performed on any such improved road, in order to carry out the provisions of this act, shall be done under the direction of the county commissioners or some person whom they may appoint, and any person so appointed shall be entitled to receive two dollars per day for his services, to be paid out of the fund which is to be expended for the benefit of such improved roads.

To be paid
for out of
bridge fund,
or special
levy.

SEC. 2. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To amend section twelve of an act entitled an act to establish the Independent Treasury of the State of Ohio, passed April 12th, and took effect July 1st, 1858, (55 Vol. 44 Stat., S. & C., page 1606, Vol. 2,) so as to make the duties of the Judge of Probate more definite and certain.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twelve of the above recited act be so amended as to read as follows:

Section 12. An inspection and thorough examination of all the books, vouchers, accounts, moneys, bonds, securities and other property in the treasury of each and every county in this state, shall be made by the county auditor and county commissioners thereof, as often as every six months in every year; and it is hereby made a part of the official duties of the judge of probate of each county, and he is hereby re-

Semi-annual
examination
of county
treasuries
required.

Probate judge to appoint examiners.

Treasurer's accounts to be compared with auditor's.

Certificates of examiner to be recorded.

Examination by appointee of auditor.

His certificate.

Witnesses to be examined under oath.

quired as often as once in every six months in each year, or oftener, if the said judge shall deem it necessary, without notice to any other person, to appoint in writing, under the seal of said court, a competent and trustworthy accountant, who shall forthwith, without previous notice or intimation to the county treasurer or any other person, of such intended inspection and examination, enter the county treasury, present his authority aforesaid to the county treasurer, demand the keys of the vault and safes, and proceed immediately to count the money therein, and inspect and examine the books, records and vouchers thereof; and after having counted the money, inspected and examined the books, records and vouchers found therein, making due entry of the same, after which said examiner shall proceed forthwith to the office of the county auditor, and there ascertain how much money the county treasurer stands charged with on the auditor's books; said auditor shall furnish accountant with a full statement of the exact amount of money, property, bonds, securities, assets and effects; also how much belongs to each particular fund, and should be in said treasury; said accountant shall certify the exact amount of money in the treasury, together with the amount belonging to each particular fund; also, all property, bonds, securities, vouchers, assets and effects as aforesaid in writing, in triplicate; one copy of which certificate shall be recorded in the books of the treasury and filed by the treasurer in his office, and one copy shall be recorded and filed by the auditor of the county; one other copy thereof shall be duly reported to the said probate court, and be entered of record therein, and a duplicate copy of which shall be furnished by the probate judge for publication one week in a newspaper of general circulation in the county of which such examination is made, and the said accountant so appointed and performing the duties therein required, shall be paid at the rate of three dollars per day for the time necessary for the performance of the same, out of the county treasury, on a warrant drawn by the county auditor and approved by the certificate of said court, particularly specifying the duty performed. And the auditor of state is hereby authorized, whenever from information filed in his office, he shall deem it necessary for the safety and security of the public funds, to appoint some competent accountant, who shall, in like manner, proceed to examine the county treasury and count the funds therein, and shall have the same powers and receive the same compensation as an examiner appointed by a judge of probate; and such examiner shall, immediately after ascertaining the condition of the county treasury and the amount of money therein, certify the same in manner aforesaid, and file one copy of the certificate with the county auditor and one with the county treasurer, and transmit the other copy to the auditor of state to be filed in his office. Each examiner appointed under the provisions of this section, shall have power to call before him and examine witnesses under oath, and to administer such oath, and it shall be the duty of the county treasurer and county auditor to submit the

office's books, safes and money, papers and effects thereto belonging to the inspection of such examiner on demand.

SEC. 2. That section twelve of the above mentioned act be and the same is hereby repealed.

SEC. 3. This act shall take effect on and after the passage thereof.

GEO. L. CONVERSE, 1

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 20, 1874.

AN ACT

To provide for the management and better regulation of Hospitals for the Insane.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Northern Ohio Lunatic Asylum, located at Newburgh, shall hereafter be known as and called the Northern Ohio Hospital for the Insane; the Central Ohio Lunatic Asylum, located near Columbus, shall hereafter be known as and called the Central Ohio Hospital for the Insane; the Southern Ohio Lunatic Asylum, located near Dayton, shall hereafter be known as and called the Western Ohio Hospital for the Insane; the Athens Ohio Lunatic Asylum, located near Athens, shall hereafter be known as and called the South-Eastern Ohio Hospital for the Insane. The said institutions shall each be placed under the charge of a separate board of trustees, to be appointed under this act.

Designation
of the several
hospitals.

SEC. 2. The district for the Northern Ohio Hospital for the Insane shall be composed of the counties of Cuyahoga, Geauga, Lake, Ashtabula, Trumbull, Mahoning, Columbiana, Carroll, Stark, Wayne, Holmes, Medina, Summit, Lorain, Portage and Tuscarawas. The district of the Central Ohio Hospital for the Insane shall be composed of the counties of Erie, Ottawa, Lucas, Wood, Huron, Sandusky, Seneca, Wyandot, Crawford, Richland, Ashland, Marion, Hancock, Hardin, Logan, Union, Delaware, Madison, Franklin, Fayette, Pickaway, Fairfield, Perry, Muskingum, Coshocton, Licking, Clarke, Champaign, Knox and Morrow. The district of the Western Ohio Hospital for the Insane shall be composed of the counties of Montgomery, Clinton, Warren, Butler, Greene, Clermont, Miami, Darke, Shelby, Auglaize, Mercer, Allen, Van Wert, Paulding, Defiance, Fulton, Henry, Preble, Putnam and Williams. The district of the South-Eastern Ohio Hospital for the Insane shall be composed of the counties of Jefferson, Harrison, Guernsey, Belmont, Monroe, Noble, Morgan, Washington, Hocking, Athens, Meigs, Vinton, Jackson, Gallia, Lawrence, Scioto, Ross, Pike, Adams, Brown and Highland.

Counties embraced in the districts.

Boards of trustees, to be appointed by the governor.

SEC. 3. Such board of trustees shall consist of three persons, one of whom shall be a resident of the county in which said hospital is situated, second and third shall be residents of the proper district. On or before the first day of July, 1874, the governor, with the advice and consent of the senate, shall appoint the said boards of trustees, one of each board to serve for one year, one to serve for two years, and one to serve three years from and after the fifteenth day of February, A. D. 1874, and as their respective terms of service shall expire, their successors shall be appointed for the term of three years in the manner herein provided. The governor shall have power to make said appointments when the senate is not in session, as well as appointments to fill any vacancies that may occur in any of said boards of trustees for the unexpired term thereof; and in case the senate is not in session at the time, the trustee so appointed shall proceed to act upon the certificate of the governor, and such nomination shall be submitted to the senate for its approval at the next session. Before entering upon their respective duties, each of said trustees, and the steward and medical superintendent herein provided for, shall take and subscribe an oath or affirmation to support the constitution of the United States and of the State of Ohio, and also faithfully and honestly to discharge all and singular the duties of such trust, and in all things to protect the interest of the state to the best of his skill and ability; which oath shall be filed in the office of the governor. Said trustees shall perform their duties gratuitously: Provided, they shall have their necessary expenses paid during the time they are actually engaged in the discharge of their official duties, such payment to be made out of the state treasury upon a warrant of the auditor of state.

Oath of office of trustees and officers.

Trustees entitled to payment of expenses.

Appointment of steward.

SEC. 4. The boards of trustees shall, at the first regular meeting after their appointment, appoint a steward, subject to the approval of the governor, for each of said hospitals, who shall, unless sooner removed, hold his office for the period of three years from and after the fifteenth day of February, A. D. 1874, and until his successor is elected and qualified. And as the terms of office of steward expire, the board of trustees shall, in the same manner, fill vacancies, and the governor shall have power, at pleasure, to remove the steward of any hospital for the insane.

His bond.

SEC. 5. The steward shall likewise, before entering on his duties, enter into a bond to the state of Ohio, with at least two good and sufficient sureties, to be approved by the probate judge of the proper county, in the penal sum of twenty thousand dollars, conditioned that he will faithfully and honestly perform the duties of his office and pay over and account for all moneys and property that shall come into his hands by reason of his said office, belonging to the state or to any other person, which bonds shall be recorded in the journal of said probate court and filed in the office of the governor.

SEC. 6. The boards of trustees shall, at the first regular meeting after their appointment, appoint a medical superin-

tendent for each of said hospitals, who shall hold his office for five years, unless sooner removed. And on the nomination of such medical superintendent, the respective boards shall appoint a matron and such assistant physician or physicians as may be necessary, all of whom, including the steward, shall reside in the institution. And said trustees shall fix all salaries not otherwise determined by law. And they shall also prescribe rules and by-laws for the government of their respective institutions. Each assistant physician and matron, before entering upon the discharge of their respective duties, shall take and subscribe the same oath herein required of the trustees, medical superintendent and steward, which shall be filed in the office of the governor.

Superintendent, matron and assistant physicians.

SEC. 7. It shall be the duty of said boards of trustees, monthly, to visit their respective institutions, and they shall, with the superintendent, examine the accounts of the steward, and each, including the superintendent, shall certify his approval or otherwise on the page with the monthly balances of said steward, and also on the duplicate monthly balance sheets hereinafter provided for. They shall make a record of their proceedings at all meetings in a book to be kept for that purpose by the secretary of the board, and on the fifteenth day of November of each year, they shall make a report to the governor of the condition and wants of the hospital, which shall be accompanied by full and accurate reports of the medical superintendents, in which shall be stated, among other things, the names, wages and time of each employe in the hospital during the year. The said reports of the trustees shall contain a summary of all contracts entered into during the year, and the names of all persons interested in such contracts. Special meetings of the board may be held on the call of the president thereof, provided each member shall have at least three days' notice thereof in writing, together with a statement of the object for which the meeting is called. The trustees of each hospital and their successors in office shall have the power to receive and hold in trust for the use and benefit of the hospital, any grant or devise of lands, or any donation or bequest of money or personal property to be applied to the maintenance and support of insane persons or to the general use of the hospital.

Duties of boards of trustees.

Annual report.

SEC. 8. The steward shall keep a full and true account of receipts, and an itemized account of all disbursements, in a proper book, always open to the inspection of the medical superintendent and trustees, and shall balance the same on the fifteenth of each month, and he shall prepare and have ready at the same time in duplicate a balance sheet showing the amount of money received during the preceding month and the balance on hand at the commencement thereof, and also a full and itemized account of all expenditures and payments during the same period, and a summary of all contracts entered into, with the name of each person interested therein, and he shall also take and arrange according to the entry in such duplicate balance sheets, all vouchers and receipts for all disbursements during said month. After the

Duties of stewards.

said duplicate and balance sheets shall have been endorsed by the medical superintendent and board of trustees as provided for in the seventh section of this act, the steward shall, within two days thereafter, file said duplicates and vouchers pertaining thereto in the office of the probate court of the proper county, and he shall take and subscribe an oath before the said court, to be endorsed on each of said duplicate balance sheets, that the said account is a full, true and correct account of his said stewardship for the preceding month to the best of his knowledge and belief.

Duties of
probate
judge.

SEC. 9. The said probate judge shall carefully examine said account, and compare the same with the vouchers, and see that the footings of figures are correct, and he shall have full power and authority at any time to examine the said steward, under oath, touching his account, and if the judge think proper to do so, he may reduce such examination to writing, and require the steward to sign the same, and such examination shall then be filed with the papers of the proper monthly settlement. After having made the necessary examination, the judge of said probate court shall endorse his finding and approval or otherwise on each of said duplicate balance sheets, one of which he shall transmit forthwith by mail to the governor, and the other, together with the vouchers, shall be filed and safely kept in the office of said probate court. Said steward shall not be credited with disbursements by the trustees or medical superintendent or probate court, in his monthly account to an amount above ten dollars in the aggregate in any one month, unless the same is accompanied with a proper voucher therefor and itemized account thereof.

Compensa-
tion of pro-
bate judge.

SEC. 10. The probate judge shall receive the sum of three dollars for the performance of his duties aforesaid for each monthly statement and settlement, and fifty cents for the recording of each bond required to be recorded by this act, which sum shall be paid by the steward and carried into the next monthly account, together with the balance so found by said court; and all books, papers, contracts, vouchers, &c., pertaining to the business of the hospital shall be and forever remain the property of the state of Ohio, and shall be kept and preserved as such for future use.

Contracts for
supplies, etc.

SEC. 11. Said steward shall make all contracts on behalf of, and all purchases for the hospital, where they can be made on the best terms, keep the accounts, pay those employed in and about the hospital, take vouchers for all expenditures, have a personal superintendence of the farm, garden and grounds, and perform such other duties as may be assigned him by the board of trustees or the medical superintendent, and under the direction of the medical superintendent and not otherwise, he may make engagements with and discharge those employed in and about the hospital. Whenever in the opinion of the board of trustees more than five hundred dollars' worth of any one article will be needed for the use of the hospital during any one year, then it shall be the duty of said board to advertise for sealed bids to furnish at the hospital such articles, at such times and in such

quantities as the steward may from time to time direct, each bid to be accompanied with a bond, in such amount as the board may direct, with good and sufficient surety that such bidder, if the contract be awarded to him, will fulfill and perform the contract on his part, and all such contracts shall be awarded to the lowest bidder, or they may reject all bids and re-advertise for bids: Provided, that all provisions and supplies thus furnished shall be of good and wholesome quality, or the same may be rejected by the superintendent.

SEC. 12. The said boards of trustees may at pleasure remove any matron or assistant physician, and they may remove the medical superintendent also for incompetency, gross neglect of duty, or refusal to discharge the duties devolving upon him, or for any misconduct which renders it improper for him longer to continue at the head of the institution, and may direct the discharge of a patient when they shall deem it expedient.

Removals at pleasure and for cause.

SEC. 13. No trustee or any officer of the institution shall hereafter be either directly or indirectly interested in the purchase of land, building material, or any article of furniture or supply for the use of any of said hospitals, and no member of any board of trustees shall hereafter be eligible to the office of superintendent or steward of any of said hospitals during the term for which he was appointed, nor within one year after his term shall have expired; and the said board and medical superintendent shall, on the fifteenth day of November in each year, make their report to the governor of the condition of such hospital, and an estimate of the several necessities of the institution for the succeeding year: Provided, that whenever the fifteenth day of any month shall be Sunday, then the duties required by this act to be performed on that day may be performed on the next day or Monday.

Officers must not be interested in contracts, etc.

Annual report.

SEC. 14. The medical superintendent of each of said institutions shall be a physician of acknowledged skill and ability in his profession, and shall sustain a good moral character, and shall hold his office for the term of five years, unless sooner removed by the board of trustees, as provided for in the twelfth section of this act. He shall have the entire control of the medical, moral and dietetic treatment of the patients, and shall see that the several officers and employes in the institution faithfully and diligently discharge their respective duties. He shall employ or direct the employment of attendants, nurses, servants and such other persons as he may deem necessary for the efficient and economical management of the hospital, assign them their respective places and duties, and may at any time discharge or direct the steward to discharge any of them from service. The assistant physicians shall be medical men of good moral character, and possess such other qualifications as to be able to perform the ordinary duties of medical superintendents, during the sickness or necessary absence of such medical superintendent. Both the medical superintendent and assistant physicians, steward and matron, shall devote their entire time in the

Necessary qualifications of superintendent.

His powers and duties.

Assistant physicians.

Duties of matron.	interest of the hospital to which they may respectively be appointed.
	SEC. 15. The matron, under the direction of the superintendent and not otherwise, shall have the general supervision of the domestic arrangements of the institution, and do what she can to promote the comfort and the restoration of the patients.
Compensation of officers.	SEC. 16. Each medical superintendent shall receive as compensation for his said services the sum of twelve hundred dollars a year; each assistant physician seven hundred dollars a year; each steward eight hundred dollars a year; each matron four hundred dollars a year. Said salaries shall be paid by the steward in monthly installments, and receipts taken, and the several amounts carried into the monthly account of the steward.
Advances to steward.	SEC. 17. The treasurer of state may from time to time advance the steward on his own order, approved by the medical superintendent and a majority of the board of trustees, on a warrant from the auditor of state, a sum not exceeding three thousand dollars to meet current expenses, and he shall account for the whole sum of three thousand dollars before another order is approved.
Patients apportioned to each county.	SEC. 18. Each county shall be entitled to send patients to the hospital of the district in which the county is situated in proportion to the population of such county. No person who has been or may hereafter be returned from either hospital as incurable, or has been insane more than two years last past, shall be admitted into either hospital, except when the hospitals are not filled to their capacity with other patients. No idiot shall be admitted into any hospital, and no lunatic under the age of seven years shall be admitted. No person shall be admitted into either of the hospitals belonging to the state, except he or she be a citizen of Ohio, and an inhabitant of the district in which the hospital admitting them is located; and no person shall be considered an inhabitant within the meaning of this act, who has not resided within this state one year next preceding the date of his or her application; and no person shall be entitled to the benefit of the provisions of this act, except persons whose insanity has occurred during the time such person shall have resided in this state. All persons who have been or may hereafter be admitted into either of the hospitals for the insane belonging to this state, shall be maintained therein at the expense of the state.
Who may and may not be admitted.	SEC. 19. At any time either of said hospitals cannot accommodate the patients of the district to which it is attached, said patients may be transferred to the hospital of either of the other districts, which may at the time have room for said patients, said transfer to be made with the consent of a majority of the board of trustees of the two asylums. The insane of the several counties composing the district of the Central Ohio Hospital for the insane, shall continue to be treated in the other hospitals for the insane as they now are, till such time as the building for the Central Ohio Hospital for the insane shall be completed for the reception of patients;
Transfer of patients when necessary.	

and the trustees, medical superintendents, steward and matron for said Central Ohio Hospital for the insane shall not be appointed till the building therefor shall be sufficiently completed for the reception and treatment of patients; and the construction and management of said building or institution shall be proceeded with agreeably to the provisions of the act "to organize a board of commissioners for the construction of the Central Lunatic Asylum," passed March 31, 1874.

SEC. 20. All laws in force in relation to lunatics and lunatic asylums, not herein modified or repealed, shall, so far as the same may be applicable, apply to the insane and the hospitals for the insane.

Old laws in force.

SEC. 21. For all debts due the hospitals for the insane of the state, an action may be maintained in the name of the board of trustees of the hospital to which such debt may be due.

Actions for collection of debts.

SEC. 22. The medical superintendent of the several hospitals shall provide an official seal for such hospitals, upon which shall be the words "Hospital for the Insane at —, Ohio," and the impression of such seal to a certificate or account, to which the signature of the medical superintendent is annexed, shall be prima facie [evidence] that such signature is the proper handwriting of such medical superintendent.

Official seal.

SEC. 23. Any trustee, medical superintendent, assistant physician, steward or matron, who shall cancel [conceal] or convert to his or her own use, any money or other property of a value above thirty-five dollars, belonging to any hospital for the insane in this state, or belonging to the state of Ohio, or who shall cheat or attempt to cheat, or collude with any person to cheat or defraud any such hospital or the state of Ohio in any manner whatever, shall be deemed guilty of a misdemeanor, and on conviction thereof before the proper court, shall be imprisoned in the penitentiary and kept at hard labor not more than ten years nor less than one year. And any trustee, medical superintendent, assistant physician, steward or matron, who shall be directly or indirectly interested in any contract for or purchase of any land, building material, or any article of furniture, supply or provisions for the use of any of said hospitals, shall, on conviction thereof before the proper court, be punished by imprisonment in the penitentiary at hard labor, not less than one nor more than ten years.

Penalty for fraud or corruption in office.

SEC. 24. That sections one, two, three, as amended April 12th, 1865, four, five, six, as amended May 6th, 1869, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and nineteen, as amended April 12th, 1870, of an act entitled "An act to provide for the uniform government and better regulation of the lunatic asylums of the state, and the care of idiots and the insane;" also the act to provide for the care and support of insane colored persons of this state at Longview asylum, passed April 30th, 1869, and all acts and parts of acts inconsistent herewith, be and the same are hereby repealed.

Sections and acts repealed.

SEC. 25. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To amend section thirteen of the act of May 1, 1852, entitled "An act to provide for the creation and regulation of Incorporated Companies in the State of Ohio," as amended April 25, 1873. (O. L., Vol. 70, page 161.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section thirteen of the above mentioned act be amended so as to read as follows:

Prices of transportation of passengers and freight on railroads.

Section 13. Such corporation, or any corporation operating a railroad in whole or in part in this state, may demand and receive for the transportation of passengers on said road, not exceeding three cents per mile for a distance of more than eight miles: Provided, the fare shall always be made that multiple of five, nearest reached by multiplying the rate by the distance; and for the transportation of property, not exceeding five cents per ton per mile when the same is transported a distance of thirty miles or more; and in case the same is transported a less distance than thirty miles, such reasonable rate as may be from time to time fixed by said corporation or prescribed by law; provided, that for the transportation of coal, iron ore, undressed stone or lumber, not more than five cents per ton per mile shall be charged for any distance whatever; and every such corporation, its officers, employes or agents who shall violate, or permit to be violated, the provisions of this act, or any other corporation, its officers, employes or agents who shall demand or receive a greater sum of money for the transportation of passengers or property on or over their railroad than the sum allowed by law, shall pay to the party aggrieved for every such overcharge a sum equal to double the amount of the overcharge; but in no case shall the amount to be paid be less than one hundred and fifty dollars; provided, that the provisions of this act shall not apply to any railroad not exceeding twelve miles in length, and not operated by corporations operating another railroad.

Prices for coal, iron ore, stone and lumber.

Penalty for violation.

Proviso as to railroads of twelve miles or less.

SEC. 2. That said section thirteen, as amended, is hereby repealed, and this act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To amend an act entitled an act to provide for the organization and government of Municipal Corporations, passed May 7, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section ninety-five of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7th, 1869, be and the same is hereby amended so as to read as follows :

Section 95. To enable the council fully to investigate charges against the members thereof, or other officers, or such other matters as they may deem proper, the mayor or police judge, at the request of the council, is hereby empowered to issue subpoenas or compulsory process to compel the attendance of persons and the production of books and papers before the council or any committee of the same. The testimony of any witness examined and testifying before the council, or any committee of the same, shall not be used as evidence in any criminal proceeding against him, except such proceeding be for perjury: Provided, however, that no official paper or record shall be included within the privilege of said evidence, so as to protect such witness from any criminal proceeding; and no witness before the council or any committee of the same shall be allowed to refuse to testify to any fact, or to produce any paper, touching which he shall be so examined, for the reason that his testimony, or the production of such paper, may tend to disgrace him or subject him to a criminal proceeding.

Process to compel attendance of witnesses.

Testimony not to be used against witness, etc.

SEC. 2. That section ninety-five be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 20, 1874.

AN ACT

To protect certain birds and game, and to protect land owners and punish trespassing upon improved or enclosed land, and to repeal certain statutes therein designated.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person, at any time, to catch, kill or injure, or to pursue with such intent, any sparrow, robin, blue-bird, martin, thrush, mocking-bird, swallow, oriole, red-bird, gross beak, cat-bird, chewit or ground robin, pewee or phoebe bird, wren, cuckoo, indigo-

Birds that may not be killed or injured at any time.

bird, nut-hatch, creeper, yellow-bird or fringilla, yellow hammer or flicker, warbler or finch, maris, red starb, dummock, nightingale, cross-bill, or corn crake, Hungarian robin, European black-bird, great tit or blue tit.

Animals that
may be killed
at specified
times.

SEC. 2. It shall be unlawful for any person in any place, to catch, kill or injure, or to pursue with such intent any quail or Virginia partridge, or any wild turkey, between the first day of January and the fifteenth of October, inclusive; or, any ruffed grouse or pheasant, pinnated grouse or prairie chicken, blue winged teal, mallard or wood duck, or other wild duck, wild goose or brant, at any time between the first day of January and the first day of September; or, at any time between the first day of January and the fourth day of July, to catch, kill or injure, or to pursue with such intent any wood cock, or to catch, kill or destroy, or to pursue with such intent on the land of another, between the first day of January and the first day of October, any wild rabbit or hare. And it shall be unlawful for any person at any time to catch by snare or trap any quail or Virginia partridge. And it shall be unlawful for any person, by the aid or use of any swivel or punt gun, or any other than the common shoulder gun, or by the aid or use of any push boat or sneak boat, used for carrying such gun, to catch, kill or wound, or destroy or to pursue after, with such intent, upon any of the waters, bays, rivers, marshes, mud flats, or any cover to which wild fowl resort, within the state of Ohio, any wild goose, wild duck, or brant.

Use of snares,
traps, &c.,
forbidden.

Protection of
eggs of birds
designated.

Penalty for
violation of
this act.

SEC. 3. And it shall be unlawful for any person to destroy or disturb the eggs of any of the birds protected by this act; and any person offending against any of the foregoing provisions of this act, shall be fined in any sum not less than two dollars nor more than twenty-five dollars for each offense, on conviction in the proper court, or be imprisoned in the county jail not more than twenty days, or both, at the discretion of the court, and pay the costs of prosecution.

Discharge of
fire-arms for-
bidden in
certain
places.

SEC. 4. No person, when shooting on the land of another, shall discharge any fire arms on any lawn, pleasure ground, orchard or other ground, which is directly appurtenant to or within gunshot of an occupied dwelling house. The penalty for violating this section shall be a fine of not less than five nor more than twenty dollars, or be imprisoned not more than thirty days, or both, at the discretion of the court, and pay the costs of prosecution.

Unlawful to
shoot, kill,
&c., on land
of another,
without
leave.

SEC. 5. It shall be unlawful to shoot at, kill or pursue with such intent on the enclosed or improved lands of another, any of the birds or game protected by this act, after receiving notice to leave said land or premises by the owner, his agent or any person having charge thereof. This notice may be verbal or written, served on the party to be notified or by putting up a board not less than two feet long by one foot wide, inscribed with legible characters in English, that "no shooting or hunting will be allowed on these premises," which shall be set up at least ten feet from the ground on a post, in some conspicuous place on the premises, either of which shall be deemed sufficient notice under this act: Pro-

vided, that nothing in this section shall apply to any person who has received express permission from the owner, or person in lawful possession of land, to hunt or shoot thereon, until such permission is withdrawn.

SEC. 6. It shall be unlawful for any person to deface or pull down any such board or deface the notice thereon. Any person offending against any of the provisions of sections 5 or 6 of this act, shall, on conviction, be fined in any sum not less than five nor more than twenty-five dollars, or be imprisoned in the county jail not less than five nor more than thirty days, or both, at the discretion of the court, and pay the costs of prosecution.

Penalty for
destroying
notices, &c.

WILD DEER.

SEC. 7. And it shall be unlawful for any person, between the first day of December and the first day of October, to kill any wild deer. Any person offending against this section of this act, shall be fined in any sum not less than ten nor more than fifty dollars, or be imprisoned, on conviction, not more than thirty days in the county jail, or both, at the discretion of the court, and shall pay the costs of prosecution.

Protection of
wild deer.

SEC. 8. It shall be unlawful for any person to purchase or offer for sale any of the birds or game mentioned in this act, caught or killed during the time when such catching, killing or destroying is made unlawful hereby. Any person offending against the provisions of this section shall be liable to the same penalty, as is provided in this act for catching, killing or destroying such birds or game.

Unlawful to
offer for sale
any game
prohibited
by this act.

SEC. 9. That the exposure for sale of any of the birds or game mentioned in this act, during the time when the killing thereof is made unlawful, shall be prima facie evidence that the same was killed or caught unlawfully within the state of Ohio.

Exposure for
sale prima
facie evi-
dence of
guilt.

SEC. 10. All prosecutions under this act shall be in the name of the state of Ohio, before any justice of the peace, mayor or other proper officer having jurisdiction; and all fines imposed or collected under this act, shall be paid into the county treasury, for the use of common schools.

Prosecutions
under this
act.

SEC. 11. The following acts are hereby repealed:

An act to prevent the killing of birds and other game, passed April 10, and took effect May 1, 1857. 54 Vol. Stat., 107. S. & C., 73.

Acts re-
pealed.

An act to prevent the killing of wild deer, passed and took effect March 31, 1864. 61 Vol. Stat., 107. S. & S., 12.

An act to amend an act to prevent the killing of wild deer, passed and took effect February 19, 1866. 63 Vol. Stat., 21. S. & S., 12.

An act for the protection of certain birds and game, passed and took effect April 30, 1861. 58 Vol. Stat., 125. S. & S., 13.

An act to amend sections one and two of an act entitled "an act for the protection of certain birds and game," passed April 30, 1861, as amended March 16, 1865. 62 Vol. Stat.,

43, 44. Passed and took effect April 3, 1867. 64 Vol. Stat., 101. S. & S., 14.

An act to amend section two of an act entitled "an act to amend sections one and two of an act entitled 'an act for the protection of certain birds and game,'" passed April 3, 1867. 64 Vol. Stat., 101, 102, passed and took effect May 16, 1868. 65 Vol. Stat., 209. S. & S., 14.

An act for the further protection of certain birds and game. passed and took effect January 31, 1871. 68 Vol. Stat., 14. Provided, that the repeal thereof shall not affect any pending prosecutions.

And an act to amend section one of an act entitled "an act to prevent the killing of wild deer," passed and took effect February 19, 1866. S. & S., p. 12.

SEC. 12. This act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

Making Appropriations for the fiscal year 1874, and the first quarter of the fiscal year 1875.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in addition to former appropriations made for the year 1874, there be and is hereby appropriated for the year 1874, and the first quarter of the year 1875, out of any moneys in the treasury belonging the general revenue fund, not otherwise appropriated, the following sums, to wit:

GENERAL REVENUE FUND.

Governor's office.	For Governor's office : Contingent expenses, eleven hundred and twenty-five dollars. Salary of executive clerk, eleven hundred and twenty-five dollars.
Auditor's office.	For Auditor's office : Salaries of clerks, eight thousand four hundred dollars. Contingent expenses, fifteen hundred dollars. Attorney's fees, under the provisions of a joint resolution passed May 1, 1873, fifteen hundred dollars. Additional file cases, one hundred and fifty dollars.
Treasurer's office.	For Treasurer's office : Salaries of clerks, thirty-four hundred dollars. Contingent expenses, seven hundred dollars. For expenses of collecting comptroller's drafts on county treasurers, five hundred dollars.

Night-watch, six hundred dollars.

For Secretary of State :

Secretary of
state's office.

To Robert Clarke & Co., eight hundred and seventy-five dollars, for three hundred and fifty (350) copies of the 23d volume of Ohio State Reports.

Stationery, forty-nine thousand dollars.

Distribution of laws, journals and public documents, fifteen hundred and fifty dollars.

Salaries of clerks, including the necessary services required in carrying out the provisions of the act in relation to the bureau of statistics, passed April 17, 1869, six thousand dollars.

Contingent expenses, seven hundred and fifty dollars.

For Comptroller and Superintendent State House :

Comptroll-
er's office.

Care of state house and grounds, eighteen hundred and seventy-five dollars.

Wages of employes, three thousand and three hundred dollars.

Heating apparatus, twelve hundred and seventy-five dol-
lars.

For fuel, three thousand dollars.

Salaries of clerks, twenty-five hundred and fifty dollars.

Contingent expenses, three hundred and seventy-five dol-
lars.

Repairs to roof and terrace of state house, five hundred dollars.

For paving Broad street, and making walks in grounds,
six hundred dollars.

For gas for lamps on gate-posts, three hundred and fifty dollars.

For Clerk of Supreme Court :

Clerk of
supreme
court.

Salary of assistant clerk, seven hundred dollars.

Contingent expenses, two hundred dollars.

For salary of reporter supreme court, one thousand dol-
lars.

For Commissioners of Common Schools :

Commission-
er of com-
mon schools.

Salaries of clerks, eighteen hundred dollars.

Contingent expenses, five hundred and twenty-five dollars.

Traveling expenses, two hundred and sixty-nine dollars.

For Commissioners of Railroads and Telegraphs :

Railroad
commis-
sioner.

Salary of clerk, eleven hundred and twenty five dollars.

Contingent expenses, two hundred and forty-seven dollars.

Extra clerical services, one hundred and fifty dollars.

For employing an expert or experts, by the railroad com-
missioner, to examine railroad bridges, to be paid on orders
indorsed by said commissioners, two hundred and fifty dol-
lars.

For Supervisor of State Printing :

Supervisor of
printing.

State binding, sixteen thousand five hundred dollars.

State printing, thirty-four thousand dollars.

For preparing for publication, engraving, printing, bind-
ing and publishing parts one and two of the second volume
of the report of the geological survey of the state, sixty
thousand dollars, to be expended under the direction and
supervision of the supervisor of printing and secretary of

Geological
survey.

state; and the secretary of state is hereby authorized to purchase a sufficient supply of super-royal paper to provide fly leaves for said volume two of said report, to be paid for out of this appropriation.

State library. For State Library:

Salary of assistant librarian, seven hundred and fifty dollars.

Contingent expenses, three hundred and eighty-six dollars.

For books, magazines and papers, two thousand dollars.

For preparing catalogue of state library, under act of April 17, 1872, one thousand dollars, for extra clerical force in addition to the librarian and assistant librarian, if the same shall become necessary in order to complete the catalogue of the library within the period of one year from the passage of this act.

Board public works.

For Board of Public Works:

Salaries of members, eighteen hundred dollars.

Salaries of resident engineers, twenty-six hundred dollars.

Salary of secretary, eleven hundred and twenty-five dollars.

For the payment in full of a claim of N. W. Goodhue, for attorneys' fees for services rendered for the board of public works in the years 1856, 7, 8, 9 and 1860, by the firm of Nash and Goodhue, two hundred and thirty-nine dollars.

Attorney's fees and incidentals, six hundred dollars.

For balance for construction of Providence dam, five thousand five hundred and thirty-seven dollars and ninety-seven cents.

For balance for contractor, and for the completion of the feeder to the Mercer county reservoir, two thousand dollars.

For expenses in ascertaining and locating lands as required by act of April 29, 1872, fourteen hundred and ninety dollars, said amount to be reimbursed to the treasury from the proceeds arising from the sale of said lands.

For expenses of survey of lands near the Lewistown reservoir, under resolution of the session of 1870, directing the "Board of Public Works" to appropriate and condemn as easement for the use of the state the right to flood certain lands near the Lewistown reservoir, two hundred and ninety-five dollars.

State Board of Agriculture.

For State Board of Agriculture:

Encouragement of agriculture, twenty-two hundred and fifty dollars, to be paid on vouchers, indorsed by the president of the state board of agriculture.

**Horticultural Society.
Gas Commissioner.**

To the Ohio Horticultural Society, to be paid to the president thereof, five hundred dollars.

For salary of Gas Commissioner, to be paid from amount collected from gas companies, in pursuance of law, three thousand dollars.

For additions to, and repairs of apparatus, two hundred dollars, to be paid from amount collected from gas companies, in pursuance of law.

Insurance Department.

For Insurance Department:

Salaries of clerks, eighteen hundred dollars.

Contingent expenses, six hundred and seventy-five dollars.

For Law Library :

For purchase of books, eight hundred dollars.

For assistant librarian and messenger of the supreme court, nine hundred and twenty-five dollars.

For Adjutant General :

Salary, fifteen hundred dollars.

Salary of clerks, twenty-two hundred and fifty dollars.

Labor at state arsenal, six hundred and seventy-five dollars.

For Attorney General :

Salary of clerk, four hundred and fifty dollars.

Contingent expenses, two hundred dollars.

For salary of Mine Inspector, two thousand dollars.

For the purchase of instruments and chemicals for the use of the office of the mine inspector and for contingent expenses, five hundred dollars.

For the mileage and per diem of members and the per diem of officers and messengers of the constitutional convention, fifty-three thousand dollars.

For printing of the constitutional convention, six thousand dollars.

For contingent expenses of the constitutional convention, one thousand dollars, to be paid on the certificate of the presiding officer of the convention.

For Salaries of State Officers :

Governor, lieutenant-governor, auditor of state, treasurer of state, secretary of state, comptroller of the treasury, state commissioner of common schools, superintendent of insurance, attorney general, clerk of the supreme court, private secretary of the governor, commissioner of railroads and telegraphs, state librarian, law librarian, and supervisor of public printing and binding, twenty-three thousand two hundred dollars.

For Judiciary :

Supreme judges, superior judges and common pleas judges, one hundred and seventeen thousand dollars.

For mileage of County Treasurers, eighteen hundred and fifty dollars.

For the Legislature :

For the per diem and mileage of the members of the general assembly, and per diem of the clerks, assistant clerks, sergeant-at-arms, and assistant sergeant-at-arms, under the laws and resolutions of the Senate and House, twenty thousand dollars.

For the contingent expenses of the general assembly, upon vouchers certified by the chairman of the committee on claims, and approved by the presiding officers of the respective houses, one thousand two hundred and fifty dollars.

For contingent expenses of the clerk of the senate after the adjournment of the legislature, fifty dollars, and for contingent expenses of the clerk of the house after the adjournment of the legislature, fifty dollars.

For the per diem and mileage of members, and the per diem of clerks, sergeants-at-arms and messengers of the general

Law Library.

Adjutant General.

Attorney General.

Mine Inspector.

Constitutional Convention.

State officers.

Judiciary.

Treasurers mileage.

General Assembly.

assembly, in addition to other appropriations, fifteen thousand dollars.

Western Reserve and Maumee road.

There is hereby appropriated for the superintendence and repair of the Western Reserve and Maumee road, whatever sums may have been or may be collected and paid into the state treasury to the credit of the said road, between the fifteenth day of November, 1873, and the fifteenth day of February, 1875.

Veteran volunteers.

To pay veteran volunteers under the act of May 16, 1868, four hundred dollars.

ASYLUM FUND.

Asylums.

SEC. 2. That there be and is hereby appropriated out of any money in the treasury to the credit of the Asylum Fund, and not otherwise appropriated, the following sums, to wit: For Athens Lunatic Asylum:

Athens Lunatic Asylum.

Salaries of superintendent, two assistant physicians, matron and steward, two thousand six hundred and twenty five dollars.

Provisions and necessary current expenses, seventy-seven thousand dollars.

Covering steam and water pipes, three thousand dollars.

Flagging and cementing cellar, five thousand dollars.

For grading and fencing, six thousand dollars.

For ordinary repairs, two thousand dollars.

Northern Lunatic.

Northern Ohio Lunatic Asylum:

Current expenses, forty-four thousand five hundred dollars.

Ordinary repairs, thirty-five hundred dollars.

Officers' salaries, twenty-four hundred dollars.

Building bridge, in addition to six hundred dollars previously appropriated, four hundred dollars.

For rebuilding two sections of front wards and administration building, two hundred thousand dollars.

For heating rear wings, covering steam pipes, and making necessary connection for steam, thirteen thousand dollars.

For heating front wings and administration building, and making necessary connection for steam, twenty-nine thousand dollars.

For building gas-works, sixteen thousand dollars.

And the board of trustees are hereby required and directed to proceed, on the passage of this act, to contract, in the manner provided by law for other structures, for the erection and completion of such works for said asylum. Section 2 of the act entitled "An act to provide for the rebuilding of the Northern Ohio Lunatic Asylum," passed March 18, 1873 (O. L., Vol. 70, page 78), is hereby repealed.

For furnishing the two rear sections, fourteen thousand dollars.

The appropriation herein made for furnishing said asylum shall be expended by the board of trustees of the asylum. No contract shall be made or article purchased for the furnishing of the asylum without the concurrent direction of a majority of the board, entered on the minutes of the proceedings of the board. The auditor of state shall not draw his

warrant on the treasurer of state for any part of this appropriation except on the presentation, as vouchers, of itemized bills made out and properly signed by the person or persons furnishing the articles so contracted for or purchased, and having indorsed thereon the certificate of two members of the board, countersigned by the superintendent, that the items specified in the bills have been delivered, and are in all particulars in accordance with the terms of the contract or conditions of purchase.

For books and pictures, four hundred dollars.

For Southern Ohio Lunatic Asylum :

Southern
Lunatic.

Salaries of superintendent, assistant physician, matron and steward, eighteen hundred dollars.

Current expenses, sixty-three thousand five hundred dollars.

For building a kitchen for hospital building and preparing said building for use as a ward of the asylum, two thousand dollars, said building to be used as a ward of said hospital as soon as said improvements are completed.

Library, four hundred dollars.

For the transfer of two hundred and three patients to the Athens Lunatic Asylum ; for the transfer of thirteen patients to the Northern Ohio Lunatic Asylum ; for a transfer of seven patients yet to be made to the Toledo Asylum ; and for the transfer of five more patients yet to be made to the Athens Asylum, eight hundred and sixty-seven dollars and sixty cents.

Transfer of
lunatic pa-
tients.

Central Lunatic Asylum :

For continuing the work on the Central Lunatic Asylum, as per contracts, in addition to unexpended balances of former appropriations, one hundred and twenty-five thousand dollars.

Central Lu-
natic Asy-
lum.

And the commissioners, under the act passed May 24 [March 31], 1874, shall have power, so far as is consistent with the rights of the contractors under the constitution of the state and the United States, with the written advice and consent of the governor and attorney-general, in case of the failure of any contractor to perform his contract, to cancel the same and forfeit all arrearages thereon, and to make new contracts for the work and material, or either of them, required by said contract so cancelled, not exceeding the price fixed by the contract cancelled and the arrearages thereon ; and to pay expenses of taking care of farm and other state property, two thousand dollars.

For the Longview Asylum, a sum to be computed and ascertained by the auditor of state, which sum shall bear the same proportion to the appropriations for the other lunatic asylums of the state as the population of Hamilton county bears to the population of the state, exclusive of Hamilton county, as ascertained by the federal census of 1870.

Longview
Asylum.

For Lucas County Insane Asylum :

Lucas Coun-
ty Asylum.

To support patients under the contract made in pursuance of joint resolution passed April 27th, 1872, eleven thousand three hundred and fifty-two dollars.

Deaf and
Dumb Asy-
lum.

For Deaf and Dumb Asylum :

Current expenses, thirty-five thousand eight hundred and seventy-five dollars.

Ordinary repairs, three thousand dollars.

Salaries of officers, fourteen thousand four hundred dollars.

Printing department, eleven hundred dollars.

Blind
Asylum.

For Blind Asylum :

Provisions and necessary current expenses, fourteen thousand five hundred dollars.

Salaries of superintendent, matron, steward, physician and teachers, six thousand three hundred and fifty dollars.

For furnishing [finishing] new building, seventeen thousand dollars.

Grading, and putting cement and flooring underneath the hall-way, five thousand dollars.

Cisterns, four thousand dollars.

Furniture, five thousand dollars.

Musical instruments, four thousand dollars.

Idiotic
Asylum.

For Asylum for Imbecile Youth :

Salaries of superintendent, matron, assistant matron, house-keeper and teachers, three thousand nine hundred and fifty dollars.

Provisions and necessary current expenses, forty-one thousand dollars.

Furnishing new building, five thousand dollars.

Heating new building, three thousand five hundred dollars.

Gas fitting and fixtures, eight hundred dollars.

Plumbing, fifteen hundred dollars.

For cisterns, two thousand dollars.

Ordinary repairs, four thousand dollars.

Soldiers' and
Sailors' Or-
phans' Home.

For Ohio Soldiers' and Sailors' Orphans' Home :

Provisions and necessary current expenses, fifty-three thousand five hundred and forty-five dollars.

For payment of officers, teachers and cottage managers, seven thousand five hundred dollars.

Ordinary repairs, three thousand five hundred dollars.

Fences, roads and walks, one thousand five hundred dollars.

Heating and plumbing three old cottages, two thousand three hundred and eighty dollars.

Live stock, five hundred dollars.

For seats in chapel, five hundred and ninety-eight dollars.

Fruit and ornamental trees, two hundred dollars.

Furnace for chapel, three hundred and thirty-seven dollars.

For library, two hundred dollars.

Penitentiary.

For Ohio Penitentiary :

Provisions and current expenses, fifty-seven thousand one hundred and fifty dollars.

Salaries of the warden and other officers and guards, and the per diem and expenses of directors, forty-four thousand two hundred and fifty dollars.

Cost of prosecution and transportation of convicts to the Ohio Penitentiary, twenty-eight thousand two hundred and seven dollars.

Library, eight hundred dollars.

Rewards to convicts, five thousand three hundred and fifty dollars.

Gas for state institutions, six thousand dollars.

For Reform Farm School for Boys:

Salaries of acting commissioners, matron, and other officers and teachers, eight thousand dollars. Reform Farm.

Provisions and necessary current expenses, twenty-seven thousand dollars.

Ordinary repairs, two thousand dollars.

For new family buildings, to be expended under the law now in force, nine thousand nine hundred and ninety-nine dollars.

For Industrial School for Girls:

Provisions and necessary current expenses, fifteen thousand dollars. Girls' Industrial Home.

Salaries of officers and teachers, twenty hundred and fifty dollars.

Ordinary repairs, one thousand five hundred dollars.

For erection of central building, twenty-five thousand dollars.

Furnishing new building, twenty hundred dollars.

For Trustees of Benevolent Institutions:

The necessary expenses of the trustees of the various benevolent institutions, one thousand five hundred dollars. Trustees Benevolent Institutions.

For salaries of commissioners of Central Lunatic Asylum, three thousand dollars. Salaries trustees C. L. Asylum.

For the payment of printing, stationery and necessary expenses incurred by the commissioners appointed by the governor to look after the improvement of the Ohio river, two thousand dollars, or so much thereof as may be necessary, to be paid upon vouchers certified to by a majority of said commissioners, the said vouchers to be filed in the office of the auditor of state and approved by him. Commissioners on Ohio river.

FOR COMMON SCHOOLS.

SEC. 3. There is hereby appropriated from any moneys raised or accruing to the state treasury for the support of common schools, one million five hundred thousand dollars, or as much as may come into the state treasury for this purpose, to be distributed and paid in the manner provided by law. Common schools.

FOR SINKING FUND.

SEC. 4. There is hereby appropriated, from any money in the treasury, by transfer or otherwise, and that may come into the treasury belonging to the sinking fund, for the payments of interest on the foreign and domestic debt of the state, four hundred and eighty-four thousand dollars. Sinking fund.

For interest on school and ministerial and other trust funds, which constitute the irreducible debt of the state, two hundred and forty-three thousand one hundred and sixty-three dollars and fifty-five cents. Irreducible debt.

For redemption of principal of the funded debt, three hundred and sixty thousand three hundred and fifty four dollars, Redemption of funded debt.

and any further sum that may come into the sinking fund for that purpose.

Miscellaneous.

For miscellaneous purposes, two thousand and two hundred dollars.

NATIONAL ROAD.

National road.

SEC. 5. There is hereby appropriated for superintendence and repairs on the National road, for one year from the fifteenth day of February, 1874, whatever funds may be collected and paid into the State treasury to the credit of the National Road Fund, during the period of one year, together with the unexpended collections of the previous year, if any there be, applicable to the same purpose.

Reports of disbursements required.

SEC. 6. It shall be the duty of the board of trustees and other persons having control of the different public institutions, to embrace in their several annual reports to the governor a statement of the disbursements of the appropriations made for building and repairs, and no money herein or heretofore appropriated shall be expended for any other purpose than that specifically named in the several acts making the same. No officer shall employ a greater clerical force than can be paid from the appropriation made to their respective offices for that purpose; and no clerk shall receive compensation to be paid directly or indirectly, out of the state treasury, except that the clerk for the commissioner of the sinking fund may serve and receive compensation as clerk for the Attorney General, for services in more than one capacity or clerkship; nor shall any clerk receive a greater compensation in the aggregate for all services rendered, than two thousand dollars a year. The auditor of state is especially directed to see that the foregoing provisions are observed and carried into effect.

Expenditures must not exceed appropriations.

No payment for deficiencies, or debt to be incurred.

SEC. 7. No part of any appropriation herein made shall be used for the payment of debts or deficiencies contracted before the 15th day of February, 1874, unless herein provided. Nor shall any debt be created against the state by any officer of the state, board of trustees or other person or persons having power to contract in behalf of the state, unless expressly authorized so to do by law.

SEC. 8. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 20, 1874.

AN ACT

To amend sections three hundred and six, three hundred and seven, three hundred and eighteen, and three hundred and twenty-five of an act entitled "An act for the organization and government of Municipal Corporations," passed May 7, 1869.

SECTION 1. *Be it enacted by the General Assembly of the*

State of Ohio, That sections three hundred and six as amended April 18, 1870, three hundred and seven, three hundred and eighteen, and three hundred and twenty-five of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, be amended to read as follows:

Section 306. The board of health shall have power to abate and remove all nuisances in the corporation, and assess the costs and expenses of the same upon the property wherein such nuisance is situated, which assessment, when duly certified by the president of the board to the county auditor, shall become a lien, to be collected the same as any other tax in favor of the corporation, and to compel the proprietors or owners, agents or assignees, occupants or tenants of the lot or property, house or building upon or in which any nuisance may be, to abate and remove the same, to regulate the construction and arrangement of all water-closets and privy-vaults, and the emptying and cleaning of such vaults; to create and complete an accurate system of registration of births, marriages, deaths and interments occurring in such corporation, for purposes of legal and genealogical investigations, and to furnish facts for statistical, scientific, and particularly for sanitary inquiries; when any complaint is made, or a reasonable belief exists, that an infectious or contagious disease prevails in any locality or house, to visit such locality or house, make all necessary investigations by inspection, and on discovering that such infectious or contagious diseases exist, the board of health may send the person or persons so diseased to the pest-house or hospital: Provided, however, that in all counties where there is a city of two hundred thousand inhabitants, it shall be the duty of physicians and professional midwives to keep a registry of the several births at which they have assisted professionally, which shall contain the time of such birth, sex and color of the child, the names and residence of the parents; and all clergymen and other persons authorized to solemnize marriages shall keep a registry of all marriages solemnized by them; and physicians who have attended deceased persons in their last illness, and undertakers and sextons who have buried deceased persons, shall keep a registry of the name, age and residence of such persons at the time of their death. All such physicians, professional midwives, clergymen and all persons authorized to solemnize marriages, undertakers and sextons, shall report to the board of health all births, marriages and deaths occurring within the limits of such city, as registered by them; and such report shall be made as often as the board of health may require. And any person or persons who shall neglect or refuse to comply with, or shall violate any of the foregoing provisions, shall forfeit and pay for each offense in any sum not exceeding fifty dollars, to be sued for and recovered in the police court of such city, in the name of the State of Ohio; and said court is hereby vested with jurisdiction in such cases.

Section 307. The owner or agent of any house or building, public or private, in which any person having the small-pox

Suppression of nuisances by boards of health.

Registration of marriages, births and deaths, etc.

Special duties in certain counties

Registry of marriages, etc.

Forfeiture for non-compliance.

Physicians, house-owners, etc., must give notice of prevalence of infectious diseases.

Dead bodies must not be conveyed without leave of board of health.

Penalty for false return, etc.

Appointment of sanitary police by board of health.

Also, inspectors of milk, etc.

or any other disease dangerous to the public health may reside; also any physician who may be called to attend any person affected with any such contagious or infectious disease, shall, within twenty-four hours thereafter, give notice of the fact to the board of health; and when such person or persons afflicted with infectious or contagious disease is removed to a pest-house or hospital, the board of health is empowered to use all necessary means to restrain such patient of his or her liberty until the danger of infection or contagion from said disease shall have ceased. And no captain, agent, or other person having charge of or attached to any ferry-boat, steamboat, or other vessel, or any person in charge of any car or other vehicle, or public or private conveyance, shall convey, or allow to be conveyed by any means aforesaid, nor shall any person convey or carry in any other manner, from or in any city, the dead body of any human being, without a permit therefor from the board of health. And if any person shall knowingly make to said board of health, or any officer thereof, any false return, statement or report relative to any birth, death, or other matter concerning which a report is returned or may be required, or in any other way violate any of the provisions of this section, then any and every such person shall be liable to a fine not exceeding fifty dollars, to be recovered by prosecution in the police court.

Section 318. The board of health shall have power to appoint as many persons for sanitary duty as in its opinion the public health and sanitary condition of the corporation may require; and such persons, when appointed and qualified, shall have general police powers, and shall be known as the sanitary police, the number to be determined by the board of health, according to the exigencies of the case; the said sanitary police shall perform such duties for the promotion of the public health, and such other duties as said board of health may direct, and shall serve during the pleasure of the board. And said board may also appoint such number of inspectors of milk and meat, and as many market-masters and such other person or persons, as may be necessary to carry out the provisions of this act, define their duties and fix their compensation. Such inspectors of milk shall keep a record of the names and places of business of all persons engaged in the sale of milk. All dairies, including the cows, cow-stables, milk-houses, and milk-vessels thereof, the owners of which shall offer for sale milk within the corporate limits of the city, shall be subject to inspection by such officer. The inspectors may enter any place where milk is sold or kept for sale, and all carriages used in the conveyance of milk within the corporate limits; and whenever they have any reason to believe any milk found therein is impure or adulterated, they shall take specimens thereof and subject them to satisfactory tests, or if the board of health so direct, to chemical analysis, the result of which they shall record and preserve as evidence, and a certificate of such result, sworn to by the analyzer, shall be admissible in evidence in all prosecutions in such cases under this act.

Section 325 Where expenses shall be incurred by the

board of health, under the provisions of this act, it shall be the duty of the council, upon application and certificate from said board of health, to pass the necessary appropriating ordinances to pay the expenses so incurred and certified; and the council is hereby empowered to levy, subject to the restrictions of section six hundred and forty-eight of the municipal code, and set apart the necessary sum to carry into effect the provisions of this act. And all moneys heretofore levied and unexpended for the purposes mentioned and provided for herein, shall be transferred to the funds and placed under the control of the board of health.

Provision for expenses of board of health.

SEC. 2. That sections three hundred and six, three hundred and seven, three hundred and eighteen and three hundred and twenty five of an act entitled "An act to provide for the organization and government of municipal corporations, passed May 7, 1869, be and the same are hereby repealed.

Repeal.

SEC. 3. This act to take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To amend section nine of the act entitled "An act supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed May 1, 1852," passed April 15, 1867 (S. & S., 186), as amended February 25, 1869. (O. L., Vol. 66, page 14.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That said section nine be so amended as to read as follows:

Section 9. Corporations may also be formed under this act for the following purposes:

Corporations for certain purposes.

1st. For the preservation and exhibition of work of art.

2nd. For encouraging and cultivating a taste for music.

3d. For the advancement of legal, medical and theological knowledge, and knowledge in all the sciences, arts, trades, business and professions in life, and the better and more convenient discharge of duties connected therewith.

4th. For the formation and encouragement of floral, horticultural, nursery and fruit companies.

5th. For cutting, quarrying, buying and selling marble, iron, stone, slate, ice or other material or artificial products.

6th. For the promotion of agriculture and the mutual benefit and gain of those engaged therein, in the purchase and sale of stock, commodities and articles pertaining thereto, including household necessities and luxuries.

For additional purposes.

SEC. 2. That this act shall take effect on its passage, and said section nine, amended as aforesaid, be and the same is hereby repealed.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

LOCAL AND SPECIAL ACTS.

AN ACT

To authorize the Trustees of Crane township, Wyandot county, to appropriate funds accruing from the sale of certain Railroad Bonds now in the treasury of said township for road purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Crane township, Wyandot county, Ohio, be and are hereby authorized to divide the funds now in the hands of the treasurer of said township, arising from the sale of stock certificates of the Pittsburgh, Fort Wayne and Chicago Railway Company, between the Upper Sandusky Road district and the said township, in proportion to the taxable property of each, as listed upon the grand duplicate of said county for the year 1873.

SEC. 2. That the funds so apportioned shall be appropriated and used by said township trustees, and for no other purpose, in building, macadamizing and repairing highways under the jurisdiction of said township trustees, and that the town council of the incorporated village of Upper Sandusky be authorized to appropriate and use the said funds so apportioned, and for no other purpose, in grading, paving and otherwise repairing the streets of said village, and in building, macadamizing and repairing highways under their jurisdiction, and included within what is known as the Upper Sandusky road district.

SEC. 3. That this act shall take effect from and after its passage.

MILTON MCCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed February 11, 1874.

AN ACT

To authorize the Commissioners of Franklin county, Ohio, to levy a tax to pay for the improvements of the grounds of the Agricultural Society of said county, and its debts due for lands purchased.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Franklin county be and they are hereby authorized to levy, as hereinafter provided, on the grand duplicate of said county, for each of the years 1874 and 1875, at the June session, a sum not exceeding two-tenths of one mill on the dollar of the taxable property of said county, for the purpose of "improving the grounds of the Franklin county agricultural society, and paying the debts of said society."

SEC. 2. The county commissioners are hereby authorized to certify to the county auditor, on or before the first Monday in June in each year above named, the amount necessary for said purposes during the current year, not exceeding the amount so authorized for each year, which amount so certified, shall, by said auditor, be placed on the grand duplicate of said county and collected by the treasurer of said county in the same manner as state and county taxes are collected.

SEC. 3. The county commissioners of said county, in anticipation of the collection of said taxes, are hereby authorized to carry to the credit of said account any unexpended fund in the treasury, and the same, when so transferred, shall be payable to the treasurer of said society; the sum so transferred to be repaid so soon as the tax hereby authorized and so advanced is collected.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 12, 1874.

AN ACT

To authorize the County Commissioners of Ross county to transfer any sum not to exceed twenty-five thousand dollars from the bridge fund or surplus funds of said county, to the Infirmary building fund, and to authorize said commissioners to issue bonds to the amount of thirty thousand dollars, to borrow money for the purpose of completing the County Infirmary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Ross county be and they are hereby authorized to transfer permanently, not to exceed twenty-five thousand dollars from any surplus fund or funds of said county, to the infirmary building fund.

SEC. 2. That said commissioners of Ross county be and they are hereby authorized and empowered, for the purpose of completing the county infirmary, to levy a tax upon the grand duplicate of said county, in addition to the taxes now authorized by law for such purposes, sufficient to produce the amount of thirty thousand dollars, and interest upon the bonds, as provided in section three; said tax to be apportioned in such sums during such years (not exceeding three years), as said commissioners shall deem best.

SEC. 3. That, for the purpose of anticipating said tax, the said commissioners are hereby authorized to borrow the sum of thirty thousand dollars, and issue the bonds of the county for the same, payable in such sums and at such times, within three years, as said commissioners may determine, to bear a rate of interest not to exceed eight per cent. per annum, and shall not be sold for less than their par value.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed February 14, 1874.

AN ACT

To amend the first and second sections of the act entitled "An act to authorize the Board of Education of the incorporated village of Wapakoneta, in the county of Auglaize, to borrow money and issue bonds to build a school-house, or additions to the school-house in said town."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections one and two of the above recited act, Ohio Laws, Vol. 70, page 313, be amended as follows: That the board of education of the incorporated village of Wapakoneta and territory thereto annexed for school purposes, in the county of Auglaize, be and they are hereby authorized to build a school-house in said village, or build additions to the school-house now therein, as in their judgment may be deemed most for the public good, at a cost not exceeding twenty-eight thousand dollars.

SEC. 2. That said board of education shall have power to issue bonds of said village and territory thereto annexed for school purposes, in sums not less than one hundred dollars each, bearing interest at a rate not exceeding eight per cent. per annum, payable semi-annually, which said bonds shall be made payable in one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve years, in such proportions as shall be deemed for the best interests of said district by said board, and shall be paid, with the interest, as the same shall become due, at the office of the treasurer of said board. Said bonds shall be signed by the president of the said board of education and countersigned by its secretary, who shall keep a record of the same; and the said bonds shall not be sold for less than their par value.

SEC. 3. That said original sections one and two of the act to which this is an amendment, be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 18, 1874.

AN ACT

For the relief of the County Treasury of Richland county, Ohio.

WHEREAS, The county treasurer of Richland county, Ohio, has absconded with a large portion of the funds belonging to the treasury of said county; and

WHEREAS, It will be impossible to realize, as soon as required, said funds from either the property of the treasurer or his bondsmen; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Richland county, Ohio, be and they are hereby authorized to issue the bonds of said Richland county, not exceeding eighty thousand dollars in the aggregate, signed by said commissioners,

and countersigned by the auditor of said county, payable in one, two, three and four years from the date thereof, but redeemable at the office of said county treasury, at the pleasure of the county commissioners of said county, at any time upon giving thirty days' notice of their intention so to do in one or more newspapers published in Mansfield, Ohio, which bonds shall bear interest at eight per centum per annum, payable semi-annually, and which bonds said commissioners are authorized to sell at not less than their par value, and that no interest, brokerage or commission shall be allowed said commissioners or any other person, for or in the sale of said bonds; nor shall the treasurer of said county be allowed or receive any fee or compensation for receiving the moneys into the treasury arising from the sale of said bonds.

SEC. 2. That for the redemption of said bonds, said county commissioners are hereby authorized to levy on all the taxable property in Richland county, Ohio, for each of the years 1874, 1875, 1876 and 1877, one mill on the dollar: Provided, that if any part of the funds lost shall be recovered from the absconding treasurer, or his sureties, the amount so recovered shall be deducted from the levies herein authorized to be made.

SEC. 3. That upon the sale of said bonds, the county commissioners and county auditor are hereby authorized to apportion the proceeds thereof to the several funds, in accordance with the levies of 1873 in said county. Nothing in this act shall be so construed as to relieve said treasurer or his sureties from the obligation of reimbursing the treasury of said county to the full extent of the money fraudulently taken therefrom.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 19, 1874.

AN ACT

To authorize the Commissioners of Washington county to establish and construct a public road in Belpre township, of said county.

WHEREAS, By an agreement by and between the "Baltimore Short Line Railroad Company" and the commissioners of Washington county, Ohio, dated July 16th, 1873, the said railroad company has paid into the treasury of said county the sum of ten thousand dollars (\$10,000) for a part of a certain county road in Belpre township, appropriated by said company for the location of its track; and

WHEREAS, It has become necessary to supply a new road for public travel in that vicinity; therefore.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Washington be and they are hereby authorized to locate, establish and construct a county road in the vicinity of the one appropriated, and to supply the want created thereby as follows: But in obtaining the right of way, laying out and establishing a new road in lieu of the road appropriated as aforesaid, the commission-

ers of said county shall be governed in all respects as provided by law for opening and regulating roads and highways.

SEC. 2. That after said road has been located and established, it shall be lawful for the commissioners of said county to enter into a contract for the opening and constructing of said new road: Provided, that before entering into a contract they shall publish notice for three consecutive weeks, in some newspaper of general circulation in said county of Washington, stating the time and place where they will enter into a contract as such commissioners with the lowest responsible bidder for said work, and the time allowed for completing said road. And the commissioners shall appear at the time and place designated in the notice for letting said contract, and enter into a contract with the lowest responsible bidder for the construction of said road, and its completion within the time designated in the notice; and all the costs of opening and constructing, locating and establishing said road, shall be paid from the funds received for the road appropriated.

SEC. 3. *And be it further enacted*, That any surplus of said fund remaining after said new road has been constructed and opened for public travel, shall be equitably applied by the commissioners of said county.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 19, 1874.

AN ACT

To establish a joint Sub-School District in Shelby county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following described lands and territory, to wit: Section numbered nineteen (19), of town one (1), range seven (7), and section five (5), of town one (1), range thirteen (13), in the civil township of Clinton, in Shelby county, Ohio; also, sections numbered seventeen (17) and twenty (20), of town one (1), range seven (7), in the civil township of Salem, in said county, and section numbered eighteen (18), of town one (1), range seven (7), in the civil township of Franklin, in said county, be and are hereby detached from the sub-school districts to which they now respectively belong, and shall hereafter constitute and form a joint sub-district for school purposes.

SEC. 2. Said joint sub-district shall be under the control and subject to the jurisdiction of the board of education of said township of Clinton, in the same manner and to the same extent as if the territory composing said sub-district were situated in said township of Clinton, and had been legally organized and formed into a sub-school district in pursuance of the general laws of the state of Ohio.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 20, 1874.

AN ACT

To authorize the Treasurer of Knox county to pay out of the Treasury, upon the order of the County Commissioners, certain fund derived from the Stockholders of the Lake Erie Railroad Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the treasurer of Knox county, Ohio, be and is hereby authorized to hold subject to, and to pay out on the order of the commissioners of the county aforesaid, certain moneys derived from the settlement of a suit that was pending in the United States court between the stockholders of the Lake Erie Railroad Company and the commissioners of the county aforesaid, and that have accrued from a compromise and settlement between the stockholders of the aforesaid Lake Erie Railroad Company and the said county commissioners; and the money so derived and received by the treasurer of the county aforesaid on said compromise shall be placed to the credit of any one or more of the several funds of the aforesaid county as said commissioners may order.

SEC. 2. This act to take effect on and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 20, 1874.

AN ACT

To attach the north half of section twenty-eight (28), town seven (7) south, range six (6) east, to joint sub-district number seven (7), Franklin township, Shelby county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the north half of section twenty-eight (28), town seven (7) south, range six (6) east, in Dinsmore township, Shelby county, Ohio, be and the same is hereby transferred to joint sub-district number seven (7), Franklin township, in said county.

SEC. 2. This act shall take effect and be in force on and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 3, 1874.

AN ACT

For the relief of Bedford township, Meigs county, Ohio.

WHEREAS, One Ira Sloan, who had been duly elected treasurer of Bedford township, Meigs county, Ohio, did, on or about March 1, 1860, abscond and become a defaulter to said Bedford township in the sum of about five

hundred and twenty-three thirty-six one-hundredth dollars of the school funds of said township; and

WHEREAS, The proper authorities failed to prosecute and collect the said sum of the bondsmen of the said Ira Sloan, treasurer, until, by limitation of the statutes, they were released from their liabilities in the case; and

WHEREAS, The auditor of said county annually charges said Bedford township with the amount of said defalcation, which is that in excess of the amount at the time actually in the treasury of said township; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Meigs county are hereby authorized, if satisfied that the circumstances and facts in the case justify the same, to direct the auditor of said county to credit said Bedford township with five hundred and twenty-three dollars and thirty-six cents, the amount of said defalcation: Provided, said credit shall in no way release Ira Sloan, said treasurer, or his sureties, from the payment of the whole or any part of said sum of five hundred and twenty-three dollars and thirty-six cents.

SEC. 2. This act shall be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 3, 1874.

AN ACT

To repeal an act entitled an act for encouragement of the Coshocton Union School, passed March 19, 1851. (O. L., vol. 49, page 574.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above mentioned act be and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 3, 1874.

AN ACT

To authorize the city of Toledo, in the state of Ohio, to borrow money.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city of Toledo, in the state of Ohio, be authorized to issue the bonds of said city, bearing interest at not more than eight per cent. per annum, for not more than one hundred and twenty thousand dollars, and said bonds shall be signed by the mayor of said city of Toledo, countersigned by the city clerk, sealed with the seal of said city; said bonds to be

classified so that one fourth of the whole amount shall mature at a period not more than four, one fourth not more than six, one fourth not more than eight and the remaining fourth not more than ten years from the date thereof.

SEC. 2. Said city council is hereby authorized to assess and levy, in the usual manner, an annual tax, which shall be sufficient to pay the interest upon said bonds as it may accrue, and to raise a fund to be known as "the deficiency fund," out of which the principal of said bonds shall be paid as they may mature; the said tax, however, not to exceed in any one year one and one-half mills on the dollar of the valuation of property upon the grand duplicate of said city, and said money and taxes, when so collected, shall be applied to the payment of the bonds and interest thereon, herein provided for, and for no other purpose. Said bonds shall not be sold for less than their par value: Provided, however, that whenever any sum of money may be realized from the treasurer of Lucas county or his sureties on account of any deficiency arising from the neglect of the said county treasurer to pay over certain moneys due to said city and unpaid, said sums shall be devoted to the payment of the principal and interest of said bonds falling due after that time, and the tax herein authorized shall cease to the extent of such payments of the principal and interest so paid; and whatever may remain of the moneys so realized from said treasurer and his sureties, after such payment shall be placed to the credit of the deficiency fund created by this act; and, provided further, that said city council shall deliver to the board of education of said city, twenty-seven thousand three hundred and twenty-six dollars of the bonds herein provided for, for the use of said board of education. Said bonds to be reimbursed to said city by any moneys collected of the county treasurer or the treasurer of the board of education, on account of their default to pay over to said board moneys due from them or either of them to said board of education.

SEC. 3. This act shall take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 6, 1874.

AN ACT

To create a Joint Sub-district for School purposes in the townships of Gratis and Lanier, Preble county, Ohio, and German and Jackson, Montgomery county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio:* That all of section number one (1) in Gratis township, Preble county, Ohio, lying south of Big Twin creek, and all of section number twelve (12) in said township and county, lying north of the state road leading from Winchester, said township and county, to Germantown, Montgomery county, Ohio; and all of the south-east quarter of section number thirty-six (36), in Lanier township, Preble county, Ohio, lying south of Big Twin creek, together with all of section number thirty-one (31), in Jackson township, Montgomery county, Ohio, that lies south of Big Twin creek,

and all of the west half of section number six (6) in west part of German township, in said county, together with all of the north-west quarter and the north half of the south-west quarter of section number seven (7) in west part of said township, shall constitute a sub-district for school purposes in the townships of Gratis and Lanier, Preble county, Ohio, and in the townships of Jackson and German, Montgomery county, Ohio.

SEC. 2. Said joint sub-district shall be governed in all respects by the same act and acts amendatory thereto, as if it had been created by the joint action of the board of education of said townships of Gratis and Lanier and Jackson and German.

SEC. 3. This act shall take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMORY D. POTTER,

President pro tem. of the Senate.

Passed March 6, 1874.

AN ACT

To authorize the Trustees of Bedford township, Cuyahoga county, to levy a special tax and issue bonds for the purpose therein named.

WHEREAS, The qualified electors of the township of Bedford, Cuyahoga county, at a special election duly and legally appointed by the trustees of said township, voted for the erection of a town hall for the use of said township, and,

WHEREAS, Said township is at this time substantially without any hall for the purpose above stated; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Bedford, Cuyahoga county, be and they are hereby authorized to issue bonds, not exceeding in the aggregate the sum of eight thousand dollars, for the purpose of building a town hall for the use of said township; said bonds to be signed by the trustees of said township, and attested by the clerk, and to be for sums of not less than fifty and not more than five hundred dollars each, and bearing interest at a rate not exceeding eight per cent. per annum; the principal and interest of said bonds to be payable as said trustees may direct, but not exceeding five years from the time of issuing of the same: Provided, that said bonds shall not be sold for less than their par value.

SEC. 2. That for the purpose of paying said bonds and the interest thereon as the same shall become due, the said trustees are hereby authorized and empowered to levy and assess a tax on the taxable property of said township annually such amounts, commencing in the year eighteen hundred and seventy-four, as shall be sufficient to pay the principal and interest of said bonds as they become due, and the money so raised shall not be used for any other purpose than paying said bonds and the interest thereon.

SEC. 3. This act shall be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 16, 1874.

AN ACT

Authorizing the Trustees of Jefferson township, Muskingum county, to appropriate certain money belonging to said township, on Main street, in the village of Dresden.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Jefferson township, Muskingum county, be and they are hereby authorized to expend, in the improvement of Main street, in the village of Dresden, a surplus of money now remaining in the treasury of said township arising from tax levies to pay railroad indebtedness of said township to Steubenville and Indiana railroad.

SEC. 2. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 16, 1874.

AN ACT

To authorize the Commissioners of Lake county to build a County Infirmary, and to issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Lake be and they are hereby authorized to build a county infirmary, and for that purpose they are hereby empowered to issue the bonds of said county not exceeding in amount the sum of twenty-five thousand dollars.

SEC. 2. Said bonds may be in denomination of not less than one hundred nor more than one thousand dollars, and payable with interest not exceeding eight per cent. per annum, payable annually, and at such times as the said commissioners shall deem for the best interest of said county, but in no case more than five years from the date thereof, and shall not be sold for less than their par value, and accrued interest, and no expense shall be incurred for brokerage or commission in the sale of said bonds.

SEC. 3. For the purpose of paying the interest on said bonds and the principal of the same as they shall become due, there shall be annually levied a tax on the taxable property of said county: Provided, that before the county commissioners shall issue any bonds as provided in this act, they shall, at some regular election, of which fifteen days' notice shall be given in at least two newspapers of general circulation published in said county, submit the question of building said infirmary to the qualified electors of said county.

SEC. 4. The ballots to be voted at said election shall have printed or written thereon the words "County Infirmary—Yes," or "County Infirmary—No," and all ballots not having the words aforesaid printed or written thereon, shall not be taken into account; and if a majority of the votes cast at such election shall be in favor of building said infirmary, then the commissioners of said county shall be authorized to carry out the provisions of this act.

SEC 5. That the act entitled an act authorizing the county commissioners of Lake county to build a county infirmary, and to issue bonds therefor, passed March 6, 1873, and an act supplementary thereto, passed April 29, 1873, be and the same are hereby repealed.

SEC. 6. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 21, 1874.

AN ACT

To authorize the creation of a Special School District in Porter township, Scioto county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory comprised in sub-district number six (6) in said Porter township, be and the same is hereby created and declared to constitute a special school district: Provided, however, that a majority of the electors residing within said territory, shall vote in favor of said special school district at an election to be held in the manner following:

SEC. 2. Written notices shall be posted in three of the most public places in said territory, signed by at least six resident electors of said sub-district requesting the qualified electors thereof to assemble on a day and at an hour and place designated in said notices, then and there to vote for or against the creation of said special school district. The electors assembled at the time and place designated in said notices, shall appoint a chairman and two clerks, who shall be judges of said election, which shall continue for at least two hours, and shall not close before four o'clock p. m. The electors in favor of the proposed special school district shall write upon their ballots "School," and those opposed thereto "No School," and a majority of the ballots so cast shall determine the question whether or not the said proposed special school district shall be created.

SEC. 3. Should a majority of the ballots in said election be found in favor of the special school district as aforesaid, the electors shall at once proceed to elect three members of the board of education; one for one year, one for two years and one for three years, who shall hold their offices for the terms therein specified, and until their successors are elected and qualified. The said special school district shall be entitled to all the school property belonging thereto, and said special school district shall be governed in all respects by such laws as now are or may hereafter be in force relating to special school districts.

SEC. 4. This act to take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 21, 1874.

AN ACT

To authorize the board of education of Hocking township, Fairfield county, to issue bonds to raise money for erecting two new School Houses, and to levy a tax to pay said bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Hocking township, Fairfield county, be and they are hereby authorized to issue bonds to an amount not to exceed four thousand dollars, to raise money for building and paying for two new school-houses, one in Sub-district No. five (5), and the other in Sub-district No. nine (9) of said township, said bonds to be signed by the president and clerk of said board of education, bearing interest at a rate not to exceed eight per cent. per annum, and the principal and interest of said bonds may be paid at any time not exceeding two years from the time of issuing the same: Provided, that said bonds shall not be sold for less than their par value.

SEC. 2. That for the purpose of paying said bonds and interest, the said board of education is hereby authorized to levy a tax annually, and certify the tax so levied to the auditor of Fairfield county, who shall place the same on the duplicate and collect as other school taxes are collected, and pay the same to the treasurer of the proper township, to be designated a building fund.

SEC. 3. This act shall take effect and be in force on and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 21, 1874.

AN ACT

To authorize the trustees of the township of New London, Huron county, to transfer moneys raised by a tax to build a Railroad, to the school fund of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of the township of New London, Huron county, be and they are hereby authorized to transfer all the money which has been collected by a tax in said township for the purpose of building a railroad, and which is now in the treasury of said township, to the school funds of said township and school funds of the incorporated village of New London, and said funds to be divided between the village and township districts in the proportions that they contributed towards raising said fund.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 21, 1874.

AN ACT

Supplementary to an act entitled an act to authorize the Board of Education of the Special School District of the village of Caledonia, Claridon township, Marion county, Ohio, to issue bonds and borrow money.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the special school district of the village of Caledonia, Claridon township, Marion county, Ohio, be and they are hereby authorized and empowered to sell certain bonds, which remain unsold, and which were issued under the authority of the act to which this is supplementary, at a rate of discount not to exceed two per cent. per annum from the date of sale: Provided, that not more than five thousand dollars in amount of said bonds shall be disposed of under this act.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 21, 1874.

AN ACT

To authorize the Urichsville Agricultural Society to sell and convey certain lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Urichsville agricultural society be and they are hereby authorized to sell and convey the grounds owned and now used by said society in such manner and upon such terms as a majority of the stockholders of said society may determine, and to convey such grounds to the purchaser thereof by deed duly executed and acknowledged by the president of said society, as provided by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 21, 1874.

AN ACT

For the relief of the Board of Education of the city of Mansfield, Ohio.

WHEREAS, The board of education of the city of Mansfield, Ohio, was heretofore under law, and by an affirmative vote of the electors of said city district, authorized to issue bonds and raise funds for the purpose of purchasing grounds and the erection of school-houses thereon; and

WHEREAS, Such bonds were issued, grounds purchased and houses

erected, and there remains an outstanding bonded indebtedness of some sixty thousand dollars; and

WHEREAS, It is exceedingly desirable that said indebtedness should be extended for and during a period of ten years, so as to make the levy each year as light as possible; therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Mansfield, Ohio, be and they are hereby authorized to issue bonds, payable at the office of said board, in one, two, three, four, five, six, seven, eight, nine and ten years from and after their date, one tenth thereof payable each year, and in the aggregate not exceeding sixty thousand dollars, which bonds shall bear interest at eight per centum per annum, payable semi-annually. But the amount of bonds issued under this act, shall not exceed the present bonded indebtedness of said city district, if said indebtedness shall fall below sixty thousand dollars; and said bonds shall be signed by the president and countersigned by the clerk of said board of education.

SEC. 2. That said board of education of said city are hereby authorized to deliver said bonds in exchange for bonds now outstanding, heretofore issued by said board at par, or they may sell the same at not less than par, and use the proceeds in the payment of said bonds now outstanding. And no discount, brokerage or commission shall be allowed to any person for the sale or negotiation of said bonds, nor interest or discount to any purchaser thereof. Nothing in this act, however, shall be construed to authorize the compulsion of any holder of said outstanding bonds to exchange contrary to his will.

SEC. 3. That for the purpose of paying said bonds so authorized to be issued by this act, said board of education are authorized to levy a tax upon all taxable property of the said city district of the city of Mansfield, each and every year during the period of ten years, sufficient in amount each year to redeem that portion of the bonds issued in pursuance of this act, that will fall due during said year, and the accruing interest thereon. And said bonds may, at the option of said board, be redeemed before their maturity, upon said board publishing its determination so to do, for a period of thirty days, in some newspaper published in Mansfield, Ohio.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

Authorizing the creation of an additional Sub-School District in Madison township, Columbiana county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the south half of sections sixteen and seventeen, and so much of section eighteen as lies south of the west branch of Beaver river, together with sections nineteen, twenty and twenty-one of Madison township, Columbiana county, shall constitute a sub-school district, and shall be entitled to all the school property belonging thereto, to be governed by the school laws applicable to sub-school districts.

SEC. 2. That it shall be the duty of the township clerk of said township, within ten days after being notified of the passage of this act, to cause to be posted in at least five conspicuous places within said district, a notice in the usual form, notifying the voters of said sub-school district of an election for three school directors, who shall hold their offices as follows: One for one year, one for two years and one for three years, from the third Monday of April, 1874, and until their successors are elected and qualified, in accordance with section twenty-seven of an act for the reorganization and maintenance of common schools, passed May 1, 1873, which notice shall be posted at least ten days previous to the holding of said election.

SEC. 3. That it shall be the duty of the board of education of said township, to purchase a site and cause to be erected thereon a school-house sufficiently large to accommodate the wants of said sub-school district.

SEC. 4. That to enable said board of education to fully carry out the provisions of section three of this act, they shall issue bonds and borrow money thereon, in any amount not to exceed one thousand dollars, said bonds bearing interest at a rate not exceeding eight per centum per annum.

SEC. 5. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

To authorize the Trustees of Seneca township, Monroe county, Ohio, to levy a tax to pay bounties to certain volunteers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Seneca township, Monroe county, Ohio, are hereby authorized in the year 1874 or 1875, to levy a tax upon the taxable property within said township, for the purpose of raising a fund to pay bounties to volunteers who enlisted in the service of the United States under either of the requisitions of the President in October, 1863, or February, 1864, to whom the trustees of said township agreed to pay a bounty of one hundred dollars each, and who have never received the same.

SEC. 2. No greater amount of tax shall be levied under the authority of this act upon the property of said township by the trustees thereof, than shall be necessary to raise a fund equal to one hundred dollars for each volunteer described in the first section of this act, and interest thereon at the rate of six per cent. per annum from the time the trustees of said township agreed to pay said bounties.

SEC. 3. All taxes levied under this act shall be certified to the county auditor, and placed upon the tax duplicate as other taxes against the same taxable property, and be styled a special bounty fund to be collected as other taxes.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 30, 1874

AN ACT

To authorize the Board of Education of Huntington township, Brown county, to levy a special tax to pay an existing indebtedness of School Building Fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Huntington township, Brown county, Ohio, be and it is hereby authorized to levy a special tax on the taxable property in said township for the years 1874 and 1875, for the purpose of enabling said board to pay its existing indebtedness of school building fund, said levy to not exceed twenty-five hundred dollars, which levy shall be certified to the county auditor and collected as other taxes.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

To authorize the Board of County Commissioners of the county of Franklin, Ohio, to use and apply any unexpended monies levied and collected upon the duplicate of said county for the erection of a new building for the Infirmary of said county, in payment of the interest and principal of the Agricultural and Mechanical College bonds of said county.

WHEREAS, The board of county commissioners of said Franklin county, in the years 1871, 1872 and 1873, severally made levies upon the general tax duplicate of said county, the monies so to be raised by such levies to be used in the erection of a new building for the infirmary of said county; and,

WHEREAS, The said board of county commissioners having abandoned the erection of such infirmary or any part thereof; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Franklin county be, and they are hereby authorized to use and apply any unexpended monies in the

treasury of said county, collected from said levies, or that shall hereafter be collected therefrom, in the payment of the interest and principal of the agricultural and mechanical college bonds of said county, and in retiring said bonds.

SEC. 2. This act to be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

AN ACT

Authorizing the Commissioners of Hamilton county to build a new Bridge and Approaches on the present Union bridge site.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county be and they are hereby authorized to build a new, suitable and substantial bridge on the present site of the Union bridge, across the Little Miami river near Linwood, in Hamilton county, and to raise the present approaches thereto to an elevation above high-water mark: Provided, that the approaches shall be first constructed, and that the residue of the fund hereby authorized to be raised shall be applied to the construction of the bridge. For the purpose of constructing said bridge and making said approaches, said commissioners shall be empowered, annually, during the years 1874 and 1875, at their June sessions of each of said years, to levy a tax not exceeding one-fourth of a mill on the dollar, in addition to the levies for road and bridge purposes now authorized by law, upon all the taxable property of said county, to be expended under their direction and control in constructing said bridge and making said approaches. And for the purpose of constructing said bridge and making said approaches, said commissioners are authorized to enter upon any adjacent lands and take therefrom any stone, earth, gravel or other material which may be necessary, paying the owner thereof reasonable compensation for the same; and they shall also have power to enter upon and appropriate by proceedings in condemnation, all lands necessary to make the approaches to said bridge, the value to be assessed as provided in other cases.

SEC. 2. To anticipate the receipts which may come into the county treasury by virtue of the tax levied under the authority of this act, the said commissioners are hereby authorized to borrow, from time to time, such sums of money as shall not exceed in the aggregate four-fifths of the tax levied by this act, or they may issue the bonds of the county, to be disposed of at not less than their par value, payable not more than three years from date, in such sums as they may deem proper: Provided, that the sum so borrowed, or bonds issued, shall not exceed four-fifths of the tax to be raised in any such year. The money so borrowed or bonds issued shall be paid with interest not exceeding eight (8) per cent. per annum, out of the taxes so collected, out of the county treasury.

SEC. 3. That the act creating the Union Bridge Corporation, passed February 11, 1831 (Vol. 30, O. L., page 289), entitled "An act to incorporate the Union Bridge Company," shall remain in full force, except so far as modified by the provisions of this act.

SEC. 4. That this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 31, 1874.

AN ACT

To create two Election Precincts in Put-in-Bay township, Ottawa county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all the territory included in North Bass Island, township of Put-in-Bay, Ottawa county, shall constitute a separate election precinct in said township, in which the election shall be held in North Bass Island, of said township; and that the remainder of said township shall constitute another separate election precinct within said township, in which the election shall be held in Put-in-Bay Island, said township, at such place as the township trustees shall designate.

SEC. 2. This act to take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMORY D. POTTER,
President pro tem. of the Senate.

Passed April 4th, 1874.

AN ACT

To provide for the removal of the seat of justice of Mahoning county, Ohio, from the town of Canfield to the city of Youngstown, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That from and after taking effect of this section of this act, as hereinafter provided, the seat of justice in the county of Mahoning shall be removed from the town of Canfield, and shall be fixed, until otherwise provided by law, at the city of Youngstown, in said county.

SEC. 2. That the foregoing section of this act shall take effect and be in force when, and so soon as the same shall be adopted by a majority of all the electors of said Mahoning county voting at the next general election after the passage thereof, and when suitable buildings shall have been erected as hereinafter provided.

SEC. 3. That the electors of said Mahoning county, at the next general election after the passage of this act, shall indorse or otherwise place on their tickets, either the words "For Removal" or "Against Removal;" and if a majority of all the electors of said Mahoning county voting at said election shall vote for removal, the first section of this act shall thereafter be considered and holden to be adopted by such majority: Provided, that all tickets upon which the words "for removal" shall not be indorsed or otherwise placed shall be taken and considered as votes

against removal, as fully as though the words "against removal" were indorsed or otherwise placed thereon.

SEC. 4. That the judges and clerks of election in the several townships, wards and voting precincts in said county, at the said general election, shall cause all the votes that may be so given for or against removal, to be correctly counted, in doing which all tickets upon which the words "for removal" are not indorsed or otherwise placed shall be counted as votes against removal, and shall enter and certify in the respective poll-books of said general election the number of votes so counted for, as well as against such removal, which poll-books shall be returned and opened as required by the act regulating said general election; and the opening of the returns thereof, and the officers opening the same shall, at the same time they make, certify and sign the abstracts required by law, also make, certify and sign a separate abstract of all the votes so returned for or against removal, showing the number so given in each township, and the footings or aggregate number given in all the townships, which abstract shall be forthwith deposited in the clerk's office of said county, and be by him forthwith recorded in the journal of the court of common pleas in said county, which record, or a duly certified copy thereof, shall be taken and received as evidence for all purposes as the result of said election.

SEC. 5. That in case a majority of the electors of said county of Mahoning shall vote for removal, as hereinbefore provided, the seat of justice and county seat shall be deemed and taken to be removed from Canfield, in said county, to the city of Youngstown, in said county, and to be located at said city of Youngstown: Provided, however, that nothing in this act shall be so construed as to authorize the removal of said seat of justice to the city of Youngstown until the citizens of the city and township of Youngstown shall have donated a lot or lots of land in the city of Youngstown, of sufficient size, and suitably located, to accommodate the court house, jail and necessary offices for said county, and shall have erected thereon, or shall have caused to be erected and completed thereon, suitable buildings for a court-house, jail and all offices and rooms necessary for the transaction of all the public business of said county, at a cost for said buildings of not less than one hundred thousand dollars, and to the satisfaction and acceptance of the commissioners of said county, and all such buildings shall be fully completed within two years from the date of the election at which this act shall be notified, and said commissioners shall not, nor shall any other authority of said county levy any tax on the taxable property of said county for said land or buildings; provided, that the citizens of Youngstown may within said two years, build said public buildings and tender the same to said county commissioners.

SEC. 6. It shall be the duty of the sheriff or coroner, as the case may be, to cause proclamation to be made to the qualified electors of said county of the time of holding said election, in the same manner as by law he is required to do in other elections, notifying said electors to vote as aforesaid on the question by this act submitted to them.

SEC. 7. The sections of this act subsequent to the first section shall take effect and be in force from and after their passage.

GEORGE L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 9, 1874.

AN ACT

To authorize the Commissioners of Wayne county to borrow money on the bonds of the county to discharge the existing liabilities of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the county of Wayne be and they are hereby authorized to issue the bonds of said county, bearing a rate of interest not to exceed eight per cent. per annum, and to dispose of the same from time to time at not less than their par value, "payable in one, two and three years from the date thereof, but redeemable at the pleasure of the county commissioners of said county at any time, upon giving thirty days' notice of their intention so to do, in one or more newspapers published in Wooster, Ohio," and in such amounts as may be necessary to discharge the existing liabilities of said county: Provided, that the aggregate amount of such bonds shall not exceed twenty thousand dollars.

SEC. 2. That, for the redemption of said bonds the county commissioners are hereby authorized to levy on all the taxable property in Wayne county, Ohio, for each of the years 1875, 1876 and 1877, such amount as shall be necessary to pay the interest and principal of such bonds.

SEC. 3. That upon the sale of said bonds, the county commissioners and county auditor are hereby authorized to apportion the proceeds thereof to the several funds, as may be required by the necessities of said county.

SEC. 4. This act shall be in force and take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed April 13, 1874.

AN ACT

To authorize the County Commissioners of Hamilton county to become vested with the title of, and to sell certain lands, and to use the proceeds thereof in connection with other funds, in the erection of additional buildings for Longview Asylum.

WHEREAS, Certain lots and tracts of land in Hamilton county have heretofore been purchased with moneys derived from the funds of Longview asylum, by the authority of the board of directors of said asylum, for the use and benefit of said asylum, and the title thereof taken in the name of O. M. Langdon as trustee; and,

WHEREAS, It is desirable to vest the title of said parcels of land in the board of county commissioners of the county of Hamilton, and doubts are entertained whether the said county commissioners are lawfully authorized to receive such title; now, therefore, to legalize such purchases, and to vest the title of said tracts of land in the county commissioners of Hamilton county,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Hamilton county are hereby

authorized and empowered to take and become vested with the title of all those certain tracts of land in Hamilton county heretofore purchased in the name of O. M. Langdon, trustee, with the funds of Longview lunatic asylum, whether the same were part of the ordinary revenue of said asylum, or arose in whole or in part from the receipts for the care of pay patients, to have and to hold the same by the same tenure as the other lands appertaining to the Longview asylum are held by said board of county commissioners.

SEC. 2. Said board of commissioners are hereby authorized to sell said tracts of land, or any other real estate held for the use and benefit of said asylum, whenever the board of directors of said asylum shall request them so to do, and the same shall be approved by the board of control of said county. The proceeds of such sale or sales shall be paid into the county treasury, to the credit of said asylum fund: Provided, that the directors of said asylum shall first file with the governor the consent in writing that said sale shall not in any way affect or invalidate any contract heretofore made by the directors of said asylum for the care and support of the colored insane of the state, to which the governor shall assent.

SEC. 3. The said commissioners are hereby authorized, after so adding to the said asylum fund, to cause to be erected such building or buildings as may be necessary for the accommodation of the insane who may be lawfully sent to said asylum; provided, however, that the cost of said building or buildings shall be wholly paid out of the money in the county treasury to the credit of said asylum fund, applicable to such purposes, without any additional levy of tax therefor.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 15, 1874.

AN ACT

Prescribing the terms of sale of Section Sixteen of the original surveyed township No. 10, range 4, in Harrison county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever the trustees of the original surveyed township number ten (10), range number four (4), in Harrison county, shall proceed to sell section sixteen or any part thereof in said township, the sale shall be upon the following terms: One-third of the purchase money to be paid at the time of sale, and the balance in eight annual installments of equal amounts, with interest at six per cent. per annum, payable annually thereon, and be governed in all other matters by the provisions of the act under which the vote for the sale of said section sixteen was had.

SEC. 2. This act to take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 15, 1874.

AN ACT

To authorize the Trustees of Cadiz township, Harrison county, to transfer certain money from the railroad fund to the township fund, and to pay certain local Bounties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Cadiz township, Harrison county, be and they are hereby authorized to transfer, permanently, the surplus, twenty-three hundred dollars of railroad fund remaining in the treasury of said township, to the township fund, and to pay from said fund the balance of one hundred dollars, with interest, due to each of seven veteran volunteers of the thirteenth regiment O. V. I., credited to said township by the procurement of the trustees of said township, under the call of the president, October 17th, 1863.

SEC. 2. This act shall take effect from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 16, 1874.

AN ACT

To create a joint Sub-district for School Purposes, in the townships of Miami, Logan county, Adams township, Champaign county, and Perry township, Shelby county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the west half of section thirty-four (34), in Miami township, Logan county, and the west half of sections thirty-two (32) and thirty-three (33), town three (3), range thirteen (13), Adams township, Champaign county, and the east half of sections three (3) and four (4), town three (3), range thirteen (13), Perry township, Shelby county, Ohio, shall constitute a joint sub district for school purposes.

SEC. 2. Said joint sub-district shall be under the control and subject to the jurisdiction of the board of education of Adams township, in the same manner and to the same extent as if the territory composing said joint sub-district were situated in said township of Adams, and had been legally organized and formed into a joint sub-school district, in pursuance of the general laws of the state of Ohio: Provided, that there shall be elected in the aforesaid sub-district, on the second Mouday of May next, three local directors; one to serve for one year, one for two years, and one for three years, in the same manner as is provided by law.

SEC. 3. This act shall take effect and be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 16, 1874.

AN ACT

To authorize the Madison County Agricultural Society to sell and convey certain lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Madison County Agricultural Society be and they are hereby authorized to sell and convey the grounds owned and controlled by said society, in such manner and upon such terms as a majority of the directors of said society may determine, and convey such grounds to the purchaser or purchasers thereof, by deed duly executed and acknowledged by the president and secretary of said society, as provided by law.

SEC. 2. The proceeds of said sale shall be invested in the purchase or leasing grounds for the use of said society.

SEC. 3. This act shall be in force from and after its passage.

MILTON McCOY,

Speaker pro tem. of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 16, 1874.

AN ACT

To authorize the Board of Education of Perry township, Lawrence county, to levy a tax to pay the indebtedness of said township incurred in the erection of school-houses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Perry township, county of Lawrence, in addition to the other powers of taxation heretofore conferred by law, be and hereby are authorized and empowered to assess on the grand levy of the taxable property of said township, for each of the years 1874 and 1875, a tax not exceeding four mills on the dollar, to be applied only in liquidating the present indebtedness of said school board, incurred in the erection of school-houses in said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 16, 1874.

AN ACT

To authorize the Commissioners of Pickaway county, Ohio, to build a Bridge across Deer Creek, at or near Hayner's mill, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Pickaway county, Ohio, be and they are

hereby authorized to build a bridge across Deer creek, at or near Hayner's mill, in said county, and to appropriate and draw out of the bridge fund of said county a sum not to exceed twenty-five thousand dollars, for said purpose.

SEC. 2. This act to take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

AN ACT

To authorize the Board of Education of the incorporated village of Medina, to take up outstanding bonds and issue new bonds with extended time.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Medina, be and are hereby authorized to take up all or any portion of the unpaid bonds of said village, known as "Medina County School Bonds," and issued by said board under authority given the board of education, at a meeting of the qualified voters of said village, held on the 26th day of March, 1870, in conformity with the amendatory act of the Ohio legislature relating to the organization, supervision and maintenance of common schools, passed March 13th, 1868, and to issue instead thereof new bonds of a like character, bearing the same rate of interest, payable semi-annually. Said new bonds to be paid on or before the 20th day of April, A. D. 1882, at the pleasure of the board of education of said village.

SEC. 2. The provisions of section one of this act shall extend to and affect only the holders of said bonds, who are willing and desirous to make the change provided therein.

SEC. 3. This act to take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

AN ACT

To authorize the citizens of the village of Leipsic, Putnam county, to hold a special election.

WHEREAS, The citizens of the village of Leipsic, in the county of Putnam, have taken the preliminary steps required by law to become a municipal corporation, and in consequence of the legal lapse of time can-

not elect their officers until 1875, which causes very inconvenient delays; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That as soon as all legal proceedings and requirements are completed as is provided for by law, the person or persons authorized to act in behalf of the petitioners as their agent or agents, are hereby authorized to call a special election to elect officers for their incorporated village. Said election shall be conducted in the same manner as the law provides for the first election of officers of municipal corporations, and the officers so elected shall hold their office till the first annual spring election, and until their successors are elected and qualified.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

AN ACT

To create a joint Sub-District for School Purposes in the townships of Starr and Green, in Hocking county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of sections five, six, twelve and eighteen, in Starr township, as is north of the Hocking river, together with the south half of section number seven, and fractional lots number one and ten of section thirteen, in Green township, Hocking county, Ohio, be and the same is hereby created a joint sub-district for school purposes.

SEC. 2. That there shall be elected by ballot, by the qualified electors of said joint sub-district, on the second Monday of May, 1874, three competent persons having the qualifications of electors therein, to serve as local directors; one for one year, one for two years, and one for three years, from the third Monday of April, 1874, and until their successors shall be elected and qualified, who shall take the oath required of school directors in the law now in force upon that subject.

SEC. 3. That said joint sub-district shall be governed in all respects by the same laws, as if it had been created by the concurrent action of the board of education of said townships of Starr and Green.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

AN ACT

For the consolidation of Sub-school Districts numbers five and seven, in Rumley township, Harrison county, Ohio, into one sub-school district, to be known as Sub-school District Number Five.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sub-school districts numbered five and seven, in the township of Rumley, Harrison county, Ohio, be and the same hereby are consolidated in one sub-school district, to be known as sub-school number five of said township, and shall be and remain under the jurisdiction and control of the board of education of said township.

SEC. 2. That said new district shall be entitled to have and receive the same proportion of the school funds of the township as is now distributed to the said sub-districts number five and seven, and in any distribution of school funds hereafter to be made in said township, the proportion to be distributed to said new sub-district shall not be less than is now distributed to the said districts numbers five and seven.

SEC. 3. The board of education of said township shall cause to be built in the village of New Rumley, in said district, a good school-house of sufficient size to accommodate at least two schools, to be completed and furnished for the use of the new sub-district on or before the first day of September, 1874.

SEC. 4. The qualified electors of such sub-district so organized by such consolidation, shall meet in the village of New Rumley, by at least five days' notice being given, said notice to be signed by five or more qualified electors resident therein, to be posted in at least five of the most public places in such sub-district for at least five days prior thereto, on the second Monday of May, 1874, and there, between the hours of three and five o'clock in the afternoon of said day, proceed to elect three local directors, one for one year, one for two years, and one for three years, from the third Monday of April, 1874, who shall organize and be controlled in all things by the laws in force providing for the organization and maintenance of common schools.

SEC. 5. This act shall be in force and take effect from and after its passage.

MILTON McCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

AN ACT

To authorize the Commissioners of Van Wert county to build a Court House.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Van Wert county are hereby authorized to erect and construct a court-house in said county, at a cost not exceeding one hundred thousand dollars, and are hereby authorized to issue bonds of said county for the purpose of raising money for the erection and construction of said building, not exceeding one hundred thousand dollars.

Said bonds shall be made payable at such times and place as the commissioners of said county shall determine, which place shall be named on said bonds: Provided, that the principal shall be made payable within fifteen years from their date, and redeemable, at the pleasure of the county commissioners, after five years from their date.

SEC. 2. That said bonds shall bear interest at a rate not exceeding eight per cent. per annum, payable semi annually.

SEC. 3. That said bonds shall be issued and signed by the commissioners, and countersigned by the county auditor of said county, who shall keep and preserve a record of each bond so issued in a book provided for that purpose.

SEC. 4. That said bonds shall be issued in sums of not less than one hundred dollars, and have such coupons or interest warrants attached thereto as the commissioners of said county may direct, and shall be made negotiable and transferable: Provided, that the commissioners of said county, before issuing any bonds as provided in this act, or creating any indebtedness in anticipation thereof, shall at some general or special election, after giving thirty days' notice of said election, by publication in at least two newspapers of general circulation and published in said county, of the time and place of such election, submit the question of building such court-house to the qualified voters of said county. The ballots to be voted at said election shall have printed or written the words "Court-house, Yes;" or "Court-house, No;" and if a majority of the votes cast at said election shall be in favor of building such court-house, then, and not otherwise, the commissioners of said county shall be authorized and required to carry out the provisions of this act; and it is further provided, that no bonds issued under the provisions of this act shall be sold or disposed of for less than their par value.

SEC. 5. The commissioners of said county shall, annually, at their June session, levy such amount of taxes as will pay the interest on such indebtedness, until the fourth year after the date of said bonds, when, and each year thereafter, they shall levy such amount of taxes as will pay the interest on such indebtedness, and at least one-tenth of the principal.

SEC. 6. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 18, 1874.

AN ACT

To create original fractional Township Eight (8) north, range twelve (12) east, in Wood county, Ohio, and the part of Township Three (3) U. S. Reserve, lying west of and between said township eight and Maumee River, into a separate civil township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That fractional township number eight (8) north, range twelve (12) east, and the part of township three (3) in the United States Reserve, lying immediately west of and between said township eight and Maumee river,

containing section thirteen (13), north half of sections twenty-three (23) and twenty-four (24), river tracts seventy-eight (78), seventy-nine (79,) eighty (80), eighty-one (81), eighty-two (82), eighty-three (83), eighty-four (84), eighty-five (85) and eighty-six (86), now included in Perrysburg township, Wood county, Ohio, be and the same is hereby made a separate civil township, to be called and known as Ross township, subject, however, to their pro rata shares of the present indebtedness of Perrysburg township.

SEC. 2. That the commissioners of Wood county shall forthwith, after the passage of this act, give public notice by advertisement in three public places in said new township, at least ten days before, of the time and place of holding an election for township officers; and the electors of such township shall at such time and place assemble, and then and there elect township officers, in the manner prescribed by law; and the officers so elected shall hold their offices until the next annual township election, and until their successors are elected and qualified.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To authorize the Commissioners of Lucas county to levy a tax for the purpose of purchasing and improving additional grounds for the Lucas County Agricultural Society.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Lucas county be and they are hereby authorized to levy upon the grand duplicate of said county, at the June session for each year, for a term of years not exceeding five, a sum sufficient, not exceeding three-tenths of a mill on the dollar for each of said years, on the taxable property in said county, for the purchase of additional grounds and improvement of the grounds of said agricultural society.

SEC. 2. It shall be the duty of the board of directors of said agricultural society to certify to the county auditor, on or before the first Monday in June in each year, the amount necessary to be expended during the current year for the purchase and improvement, not exceeding the amount authorized to be levied by the first section of this act, which amount so certified shall, by said auditor, be placed on the grand duplicate of said county, and be collected by the treasurer of said county in the same manner as state and county taxes are collected.

SEC. 3. When the collection is made by the treasurer as aforesaid, in each year, at his annual settlement for the taxes of said years, the auditor of said county shall issue his order for the sum so collected to the treasurer of said agricultural society, on his filing with said auditor an undertaking in double the amount so collected, with good and sufficient sureties, to be approved by the auditor, conditioned for the faithful paying over and accounting for all funds that may come into his hands by virtue of the provisions of this act.

SEC. 4. All grounds purchased and improvements made as aforesaid, shall be under the exclusive control and management of the board of directors of said agricultural society, and the title to all of said grounds and improvements shall be vested in fee in said Lucas county: Provided, that before said commissioners shall make said levy, they shall submit to the electors of said county, at some regular or special election, the question as to the expediency of making said purchase and improvements, and of which said election notice shall be given by publication in at least two daily newspapers of general circulation in said county, for at least fifteen days prior to said election.

SEC. 5. At said election the electors shall have written or printed upon their ballots the words "For Fair Grounds—Yes," "For Fair Grounds—No," and if a majority of all the electors of said county voting at said election upon this question shall vote "Fair Grounds—Yes," then said commissioners shall cause said levy to be made.

SEC. 6. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To authorize the Trustees of Manhattan township, Lucas county, Ohio, to borrow money.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Manhattan township, Lucas county, Ohio, be and they are hereby authorized to borrow five hundred dollars in money, upon the bonds of said township, payable in one year from their date, to be signed by the said trustees and township clerk, payable in one year from their date, and bearing a rate of interest not to exceed seven per cent. per annum, payable semi annually at the office of the township treasurer.

SEC. 2. To pay said bonds and interest, the trustees of said township of Manhattan are hereby authorized to levy and collect, over and above the usual levy for township purposes, upon the duplicate of said county of Lucas, the sum of one and one-fourth mill on the dollar valuation upon the county duplicate of said township, as other taxes are levied and collected.

SEC. 3. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To authorize the Board of Education of special school district number one of Hicksville township, Defiance county, Ohio, to borrow money and issue bonds for purchasing site and building a School-house in said special school district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of special school district number one of Hicksville township, Defiance county, Ohio, be and they are hereby authorized to borrow money, not to exceed in amount the sum of eight thousand dollars, for the purpose of purchasing a site and erecting a school-house thereon.

SEC. 2. That for the purpose aforesaid, the said board are hereby authorized and empowered to issue bonds to be signed by the president and attested by the clerk of said board, in such proportion as the board may stipulate, such bearing interest at a rate not exceeding eight per cent. per annum; said bonds to be payable at any time within ten years, and at the pleasure of the board after five years: Provided, that said bonds shall not be sold for less than their par value.

SEC. 3. The said board of education are hereby empowered to levy a tax annually on the taxable property of said special school district, sufficient to pay said bonds, together with the interest thereon as they shall fall due, which levy shall be placed on the tax duplicate by the auditor of said county and collected as other taxes.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

Relating to the Infirmary of Ashland county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Ashland county, in connection with the infirmary directors of said county, are hereby authorized to make a careful examination into the condition of the infirmary of said county; and if, upon such examination, the said commissioners and the said directors shall be satisfied that it would be to the interest of said institution to change the present location of said infirmary, said commissioners are hereby authorized to sell a part or the whole of the premises now occupied by said infirmary, and to use the proceeds of sale thereof towards the purchase of lands for the use of said infirmary, and to the erection of suitable buildings thereon.

SEC. 2. That the commissioners of Ashland county are hereby authorized to issue bonds, which bonds are to be signed by said commissioners and countersigned by the auditor of said county, not to exceed forty thousand dollars, to be used in conjunction with proceeds of sale of

present infirmity towards the purchase of lands for the use of said infirmary and for the erection of suitable buildings thereon.

SEC. 3. Said bonds may be in denomination of not less than one hundred or more than five hundred dollars, and payable with interest not exceeding eight per cent. per annum, payable annually, and at such times as said commissioners shall deem for the best interest of said county, but in no case more than five years from the date thereof, and such bonds shall not be sold for less than their par value.

SEC. 4. For the purpose of paying the interest on said bonds and so much of the principal thereof as may fall due, there shall be annually levied a tax on the taxable property of said county: Provided, that before the commissioners of said county shall issue any bonds as provided in this act, they shall, at some regular election or special election called for that purpose, of which three weeks' notice shall be given in at least two newspapers of general circulation in said county, submit the question of such tax to the qualified electors of said county.

SEC. 5. That the ballots to be voted at said election shall have printed or written thereon the words infirmary tax, yes, or infirmary tax, no, and all ballots not having the words aforesaid printed or written thereon shall not be taken into account, and if a majority of said votes cast at such election shall be in favor of such tax, then the commissioners of said county shall be authorized to sell the present infirmary and carry out the provisions of sections two, three and four of this act.

SEC. 6. This act shall be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 18, 1874.

AN ACT

To authorize the Trustees of Sharon township, Richland county, Ohio, to pay a balance on a certain Promissory Note out of the general fund of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Sharon township, Richland county, Ohio, be and they are hereby authorized to pay the balance that may be found due, at the time of such payment, on a certain promissory note, executed and delivered by Jonathan Lewis, Abraham Busbey and Samuel Haislet, trustees of said township, to Campbell and Potter, on the 24th day of December, A.D. 1870, in payment for certain shelving and boxes, in the town hall of said township, out of the general fund of said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 18, 1874.

AN ACT

To authorize the Trustees of Delaware township, Delaware county, to borrow money to assist in building a Bridge.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Delaware township, Delaware county, Ohio, be and they are hereby authorized, for the purpose of assisting in building a bridge across the Olentangy river within said township, to borrow the sum of one thousand dollars, at a rate of interest not to exceed eight per cent. per annum, payable annually, and said trustees may issue their bonds for the payment of the money so borrowed, payable at such times within five years as they shall deem best.

SEC. 2. For the purpose of paying said bonds, with the interest, as the same may become due, the trustees of said township of Delaware are hereby authorized and empowered to levy a tax upon all taxable property of said township, both real and personal, except the real and personal property taxed in Delaware school district, in said township, at such times and in such amounts as may be necessary, in the years 1874, 1875, 1876, 1877 and 1878, and certify the same to the county auditor, by whom the same shall be entered upon the duplicate of said township outside of Delaware school district, and collected as other taxes; and the money so raised shall be paid over to the treasurer of said township, to be paid out by him on the order of the township trustees, certified by the township clerk.

SEC. 3. The bonds authorized to be issued by this act shall be signed by the entire board of trustees, and attested by the township clerk, who shall also keep a record of the same.

SEC. 4. The act entitled an act to authorize the trustees of Delaware township, Delaware county, Ohio, to borrow money to assist in building a bridge, passed May 1st, 1873, be and the same is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To authorize the Commissioners of Hocking county to receive Donations and make Appropriations for a purpose therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Hocking county be and they are hereby authorized to receive subscriptions and donations in money, property or labor, for the purpose hereinafter named.

SEC. 2. That whenever the sum of five hundred dollars shall have been in good faith subscribed or donated as aforesaid for the purpose hereinafter named, the said county commissioners shall be and they are hereby authorized to appropriate from any moneys in the treasury of said

county not otherwise appropriated, any sum they shall consider sufficient, not exceeding two thousand dollars, for the purposes hereinafter mentioned.

SEC. 3. That whenever the said sum of five hundred dollars shall have been subscribed or donated, and the said commissioners shall have appropriated said sum for such purpose, then said commissioners are hereby authorized to survey, locate, establish and construct a county road on the most practicable route on the south side of the Hocking river, from the river bridge immediately south of the village of Logan, down the river to intersect the county road near the residence of William M. Bowen, in Green township, thence on the most practicable road to the county infirmary; and they are hereby authorized to contract with the landholders for right of way, and to contract with one or more persons for the construction of such road upon such terms as they may deem advisable.

SEC. 4. Any balance of said fund remaining after the completion of such road, shall be immediately returned to the treasury and placed to the credit of the general county fund.

SEC. 5. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To authorize the Board of Education of the special school district of Mineral Ridge, Trumbull county, to borrow money and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the special school district of Mineral Ridge, in the county of Trumbull, be and they are hereby authorized to borrow the sum of five thousand dollars, to be applied to the payment of the indebtedness existing for the erection of their school building, grading, fencing and improving the grounds of the same, and furnishing suitable apparatus therefor; Providing that the said board of education shall first submit the question of tax or no tax for the above named purpose to the qualified electors of said school district, at a general election or special election held for that purpose, of which at least ten days' public notice shall have been given by posting up notices in not less than three of the most public places in said district, and a majority of the voters voting at said election shall vote for said tax.

SEC. 2. That for the purpose aforesaid, in case a majority of the electors shall have voted in favor thereof as before provided, the said board are authorized to issue bonds, to be signed by the president and attested by the clerk of said board, in sums not less than one hundred dollars nor more than five hundred dollars, bearing interest at a rate not exceeding eight per centum per annum, payable semi-annually; said bonds to be payable at such time or times, not exceeding fifteen years from the re-

spective date thereof as said board may determine, which said bonds shall not be sold for less than their par value.

SEC. 3. That for the purpose of paying said bonds and interest thereon as the same shall become due, the said board of education are hereby authorized and empowered to levy on all the taxable property of the said school district, a tax for such an amount annually, as will be sufficient to pay the principal of the debt that shall fall due each year, and also the interest falling due annually on the bonds so issued, which levy shall be placed on the tax duplicate by the auditor of the county, collected as are other taxes, and when collected, paid over to the treasurer of said special school district of Mineral Ridge.

SEC. 4. This act to take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 18, 1874.

AN ACT

To create two Election Precincts in Scipio township, Meigs county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Scipio, Meigs county, Ohio, be and the same is hereby divided into two election precincts, as follows: By a line running from the northeast corner of section three (3) to the northwest corner of section thirty-three (33) of said township.

SEC. 2. That this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To authorize the citizens of the village of Brookville, Montgomery county, to hold a special election.

WHEREAS, The citizens of the village of Brookville, in the county of Montgomery, have taken the preliminary steps required by law to become a municipal corporation, and in consequence of the legal lapse of time cannot elect their officers until 1875, which causes very inconvenient delay; therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That as soon as all legal proceedings and requirements are completed, as is provided for by law, the person or persons authorized to act in behalf of the petitioners as their agent or agents, are hereby authorized to call

and hold a special election to elect officers for their incorporated village. Said election shall be conducted in the same manner as the law provides for the first election of officers of municipal corporations, and the officers so elected shall hold their several offices until the first annual spring election and until their successors are chosen and qualified.

SEC. 2. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To enable certain trustees of the "Church of Christ" at Nelsonville, Athens county, Ohio, to convey certain real estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That A. H. Shepard, Cornelius Steenrod, William Quigley, James McFall and John Harold, trustees of the "Church of Christ" of Nelsonville, Athens county, Ohio, be and they are authorized and empowered to convey certain real estate on which is a church belonging to them in said town, to wit: Forty-two feet front in the south-east corner of inlot No. 183, in said village, said lot being forty-two feet square, to such purchaser or purchasers as the said trustees may see fit, and the proceeds of such sale to invest in a new site for a church building for said "Church of Christ" within said town of Nelsonville. It being the intent and meaning of this act to authorize the sale and conveyance of the lot of land deeded by Jonathan F. Somers and Elizabeth Somers to T. W. Battin, William Quigley and A. H. Shepard September 20, 1860, for the use of the "Disciple Christian Church."

SEC. 2. The purchaser of said real estate shall hold the same, when so conveyed, in fee simple.

SEC. 3. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To authorize the trustees of Scott township, Adams county, Ohio, to levy a tax and build a foot bridge across Buck run, in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Scott township, Adams county, Ohio, be and they are hereby authorized to levy a tax on all the taxable property of said township, for the purpose of constructing a foot bridge across Buck run, where the road from Winchester to Tranquility crosses the Youngsville and Buck run free turnpike road in said township.

SEC. 2. Provided the question of taxation for said purpose shall first be submitted to a vote of the qualified electors of said township, and a majority thereof voting for said tax.

SEC. 3. That this act shall take effect from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To authorize the trustees of the township of Harpersfield, Ashtabula county, to sell and convey certain real estate therein mentioned and purchase other lands with the proceeds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Harpersfield, in the county of Ashtabula, be and they are hereby authorized to sell and convey a certain tract of real estate purchased by said township for a cemetery, in March, A. D. 1872, and situate near Unionville, in said township, for such sum and upon such terms as they may deem for the best interest of said township, and said trustees are hereby required to purchase with the proceeds of said sale other suitable lands for a cemetery, centrally located in said township, and said trustees are hereby authorized to execute and deliver to the purchaser a conveyance of said real estate on the receipt of the purchase money.

SEC. 2. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To authorize the Commissioners of Scioto county to levy an additional tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Scioto county, be and they are hereby authorized, in addition to the taxes now authorized by law to be levied, to levy a tax of not more than one half ($\frac{1}{2}$) of one (1) mill on the dollar valuation for each of the years 1874 and 1875, on the grand duplicate of said county, to pay the indebtedness of the county current fund of said county.

SEC. 2. This act shall be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To authorize the Trustees of Spencer township, Hamilton county, to sell the Township Hall.

WHEREAS, Under an act of the general assembly, passed A. D. 1848, the trustees of Spencer township, Hamilton county, levied a tax, purchased a site, and erected thereon a town hall for the use of the citizens of said township; and

WHEREAS, Recently, a small part of the territory of said township containing the said town hall has been annexed to the city of Cincinnati, thereby depriving the citizens of Spencer township of the proper and customary use of said township hall; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Spencer township, Hamilton county, be and the same are hereby authorized to sell said township hall and site, and to invest the proceeds of such sale in a site and hall in each of the two remaining school districts in said township.

SEC. 2. That this act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To authorize the Trustees of Orange township, Carroll county, Ohio, to join with the Council of the incorporated village of Leesburg, in said township, in the construction of a Town Hall, for the joint use of said township and village, and to authorize private persons to join with them in the construction of such Hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Orange, Carroll county, Ohio, and the council of the incorporated village of Leesburg, in said township, be and they hereby are authorized to join in the purchase of grounds for and in the construction of a town hall in the said village of Leesburg, for the joint use of said township and village, in such manner as the said trustees and council shall agree and stipulate in regard to such joint occupancy.

SEC. 2. That said trustees and village council, in the construction of such hall, may enter into such arrangement as they shall jointly see fit, with any private person or persons, whereby such private person or persons may assist in the construction of such hall, and in paying a part of the expense thereof, in consideration whereof such private person or persons may have, own and occupy such rooms in said hall as shall be agreed upon by and between them and the said trustees and town council.

SEC. 3. That if the said trustees and village council shall enter into an agreement as provided for by this act, either between the said trustees and said village council, or between said trustees and village council and other person or persons as provided in this act, the said agreement shall

be reduced to writing, and shall show: First—the amount of money put into or to be put into such hall by the said trustees, by the said village council and by such private person or persons, and shall separately state each sum. Second—The part or parts, room or rooms of such hall to be separately owned and occupied by said trustees, village council and private person or persons, and whether to be occupied jointly or severally. Third—As to the legal title to the land or lot on which such hall shall be constructed, and how and in whom such legal title shall be held, and such agreement shall be signed in triplicate by the said trustees, village council and private person or persons, one copy of which shall be delivered to the trustees of said township, the council of said village and to the person or persons aforesaid, and such written agreements shall be evidence of the respective interests and rights of said several parties, in and to such hall.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To authorize the Board of Education of the Huntsville School District, in the incorporated village of Huntsville, in the county of Logan, to borrow money and issue bonds to build a School-House or addition to the school-house in said village, and to purchase additional territory to school-house lot.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Huntsville school district, in the incorporated village of Huntsville, and territory thereto annexed for school purposes, in the county of Logan, be and they are hereby authorized to build a school-house in said village, or build an addition to the school-house now therein, and to buy additional territory to the school-house lot in [said] village, or either, as in their judgment may be deemed most for the public good, at a cost not exceeding two thousand dollars.

SEC. 2. That said board of education shall have power to issue bonds of said village, and territory thereto annexed for school purposes, in sums not less than one hundred dollars each, bearing interest at a rate not exceeding eight per cent. per annum, payable annually, which said bonds shall be made payable in one, two, three, four, five, six, seven, eight, nine and ten years, in such proportions as said board may deem for the best interest of said district, provided said bonds shall not be disposed of for less than their par value; said bonds to be signed by the president of said board and countersigned by the secretary, who shall keep a record of the same.

SEC. 3. That said board of education is hereby authorized, whenever it shall in their opinion become necessary to levy a tax to pay said bonds or the interest thereon, to certify that fact to the auditor of Logan county, and said auditor shall cause such sum, so certified by said board, to be necessary to be levied upon the taxable property of said village and territory annexed for school purposes, and the same shall be collected as

other school taxes are or may be, and paid to the treasurer or other proper officer of said board: Provided, that the board of education shall first submit the question of tax for the above named purpose to the qualified electors of the said incorporated village and territory annexed thereto for school purposes, at a general or special election, having first given at least fifteen days' notice of the same by posting up in at least three of the most public places in said school district.

SEC. 4. The electors voting at said election shall have written or printed on their tickets "Tax for School-house Purposes—Yes," or "Tax for School-house Purposes—No," and if a majority of all the electors voting at said election upon the question submitted shall vote tax yes, this act shall thereupon be considered to be adopted.

SEC. 5. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To authorize the Trustees of Lagrange township, Lorain county, Ohio, to borrow money to build a Town Hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Lagrange township, Lorain county, Ohio, be and they are hereby authorized and empowered, for the purpose of building a town hall in said township, to borrow the sum of five thousand dollars, for the term not to exceed five years, at a rate of interest not to exceed eight per cent. per annum; and said trustees may issue their bonds for the payment of the money so borrowed, payable at such times within said five years, as they shall deem best.

SEC. 2. That for the purpose of paying said bonds, with the interest as the same becomes due, the trustees of said township of Lagrange are hereby authorized and empowered to levy a tax upon all the taxable property of said township of Lagrange, both real and personal, at such time and in such amount as may be necessary to pay the interest and principal as it becomes due in the years 1874, 1875, 1876, 1877 and 1878, the same to be certified by said trustees to the county auditor, by whom the same shall be entered upon the duplicate of said county and collected as other taxes; and the money so raised shall be paid over to the treasurer of said township of Lagrange, to be paid out by him upon the orders of the township trustees, certified by the township clerk: Provided, that the trustees of said township, before issuing said bonds, shall first submit the question tax or no tax for said purpose to the electors of said township, at some general or special election, after giving ten days' notice of the same in at least three public places in said township, which notice shall state the amount proposed to be raised and for what purpose. The electors voting at said election shall have written or printed upon their ballots the words tax for town hall—"Yes," or tax for town hall—"No," and if a majority of all the electors voting at said election shall vote town hall "yes,"

then, and in that event, said trustees may issue their bonds and levy the tax as herein provided.

SEC. 3. The bonds authorized to be issued by this act shall be signed by the entire board of trustees, and attested by the township clerk, who shall also keep a record of the same.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To authorize the Commissioners of Allen county to levy a tax to purchase and improve Fair Grounds for the Agricultural Society of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Allen county be and they are hereby authorized to levy on the grand duplicate of said county at the June sessions, for three years succeeding the taking of the vote as hereinafter provided, a sum sufficient, not exceeding one-half mill on the dollar for each of said years, of the taxable property in said county for the purchase and improvement of fair grounds for the agricultural society of said county.

SEC. 2. It shall be the duty of the board of directors of said agricultural society to certify to the county auditor, on or before the first Monday in June in each of the above years, the amount necessary to be expended during the current year for the purchase and improvement, not exceeding the amount authorized to be levied by the first section of this act, which amount so certified shall by said auditor be placed on the grand duplicate of said county, and collected by the treasurer of said county in the same manner as state and county taxes are collected.

SEC. 3. When the collection is made by the treasurer as aforesaid, in each year, at his semi-annual settlement for the taxes of said years, the auditor of said county shall issue his order for the sum so collected to the treasurer of said agricultural society, on his filing with such auditor an undertaking in double the amount so collected, with good and sufficient sureties, to be approved by the auditor, conditioned for the faithful paying over and accounting for all funds that may come into his hands by virtue of the provisions of this act.

SEC. 4. All grounds purchased and improvements made as aforesaid, shall be under the exclusive control and management of the board of directors of said agricultural society; and should said society be dissolved and cease to exist, all of said grounds and improvements shall vest in fee in said county of Allen: Provided, that before said commissioners shall make said levy, they shall submit to the electors of said county at some regular or special election, the question as to the expediency of making said purchase and improvements, and of which said election notice shall be given by publication in some newspaper of general circulation in said county for at least thirty days.

SEC. 5. At said election the electors shall have written or printed upon

their ballots the words, "For Fair Grounds, Yes," or "For Fair Grounds, No," and if a majority of all the electors of said county voting at said election upon this question shall vote "For Fair Grounds, Yes," then said commissioners shall cause said levy to be made.

SEC. 6. This act shall take effect and be in force from and after its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

AN ACT

To authorize the Trustees of Paint township, Fayette county, Ohio, to divide said township so as to create two Election Precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Paint township, Fayette county, Ohio, be and they are hereby authorized and empowered to divide said township, so as to create two election precincts within said township; one of said election precincts shall be at the village of Bloomingburg, the other election precinct shall be fixed by said trustees within said township.

SEC. 2. The provisions of an act to amend sections one and two of an act to provide for the division of townships into election precincts, passed March 4th, 1853, and as amended April 2d, 1868 (S. & S., 913) shall be strictly followed and observed by said trustees; and all powers and duties conferred by said act upon county commissioners to act in the premises are hereby made to apply to the trustees of Paint township, Fayette county, Ohio, for the purpose aforesaid.

SEC. 3. It shall be the duty of the said trustees, after receiving the report of said freeholders, to read the same publicly, and there being no remonstrance against said division, to declare said township so divided and said election precincts established; but if any twenty-five freeholders, electors of said township, shall remonstrate against said division, then said trustees shall hear and determine the said matters therein, and make such order for or against such division as they may think just and proper.

SEC. 4. This act shall take effect on its passage.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 20, 1874.

JOINT RESOLUTIONS.

JOINT RESOLUTION

Providing for printing the Rules and Joint Rules of the two Houses of the General Assembly, together with the standing committees, the list of members, officers, &c.

Resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be and he is hereby directed to have printed, and bound in brochure, in one volume, when adopted, fifteen hundred copies of the joint rules, rules of the senate and rules of the house, together with a list of the standing committees of the respective houses, and a list of the officers and members of each house, within their county, post-office and occupation, for the use of the members of the General Assembly.

Resolved, That it shall be the duty of the clerks of the senate and house to provide the copy for the same.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed February 7, 1874.

JOINT RESOLUTION

Relative to the enactment of only such laws as are imperatively demanded by the needs of the people, before the adoption or rejection of the new State Constitution.

Resolved by the General Assembly of the State of Ohio, That in view of the possible adoption of a new constitution for the State, by the citizens of Ohio, during the present year, which may render many changes in the statutes of the state necessary; and in accordance with the suggestion of Governor William Allen, in his inaugural address, it is not expedient now to enter upon extensive changes in existing laws; therefore,

Resolved, That neither branch of the general assembly shall adjourn during the session, except from day to day, and that as soon as the necessary appropriations can be made, and such enactments passed as are imperatively demanded by the wants of the people, this legislature will adjourn.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Adopted February 11, 1874.

JOINT RESOLUTION

Directing inquiry into the expenditures in the construction of the Central Lunatic Asylum.

Resolved, That a select committee of three on the part of the senate, consisting of Worthington, Butterworth and Reid, and Brunner, Boyce and Scott, on the part of the House, be instructed to inquire and report to the General Assembly, at an early day, in regard to the following matters, to wit:

1st. Why there is not more rapid progress in the construction of the "Central lunatic asylum?"

2d. In what time is said asylum likely to be completed?

3d. What will be the probable cost of the structure, when finished and ready for the reception of patients?

4th. What, if any, measures can be adopted to secure greater expedition and economy in its construction?

5th. Has there been any unlawful or extravagant expenditures of said institution, and payments of money to contractors, officers or others connected with the institution?

6th. Whether the care, supervision and official management of the affairs of the institution, since the burning of said asylum, by the board of trustees and superintendent, have been wisely and economically administered, and whether there has been any corruption on the part of the trustees, or any other person, in relation to the building or removal of said asylum?

7th. What amount has been paid, or contracted to be paid, to the architect or architects, assistant architect or assistant architects, and to any other person or persons employed to superintend the construction of said asylum, or any part thereof, from the burning of said asylum to the present time, and whether the amount so paid is deemed too high or extravagant for the services rendered. Also, whether the said architect or architects, assistant architect or assistant architects, or other person or persons so employed, have honestly, economically and faithfully labored to secure an early completion of said asylum?

8th. Whether the materials used in the construction of the said asylum, as the work on the same has progressed, have been of a good and substantial character, so as to insure the permanency of the structure, and also whether there exist deficiencies in the same, and how and at what cost such defects, if any exist, can be remedied?

9th. Whether the contractors have faithfully complied with and carried out their contracts with the state, and if not, wherein they have failed?

10th. Whether contrary to the law regulating the erection of public buildings, over-estimates have been made, and money illegally paid to contractors?

11th. And, further, to aid the committee in its investigations, it is hereby empowered to send for persons and papers, and examine witnesses under oath.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Adopted February 11, 1874.

JOINT RESOLUTION

Distributing the copies of the Joint Rules and Rules of the two Houses.

Resolved by the General Assembly of the State of Ohio, That the fifteen hundred copies of the rules of the sixty-first general assembly be distributed as follows: Three hundred copies be deposited in the office of the secretary of state for the sixty-first general assembly in 1875, and three hundred copies be deposited in the state library for the members of the sixty-second general assembly, and the remainder be distributed equally among the members and officers of the two Houses.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
 ALPHONSO HART,
President of the Senate.

Adopted February 11, 1874.

JOINT RESOLUTION

Providing for the admission of David Elder into the Southern Lunatic Asylum.

WHEREAS, David Elder, of Clarke county, Ohio, has been refused admission to the Southern Ohio Lunatic Asylum, in consequence of his not being a resident of the state of Ohio for one year last past; and

WHEREAS, Said Elder was born and lived in the state of Ohio and county of Clarke until he was about thirty-five years of age, and until the year 1870, and had in good faith returned from the state of Kansas, where he had resided but a short time, to his native county and state, to take up his residence among his friends and relatives; and

WHEREAS, Said Elder has now no other residence where he is entitled to go and be cared for in an asylum, and is now insane and supposed to be curable; therefore, be it

Resolved, by the General Assembly of the State of Ohio, That the superintendent of the Southern Lunatic Asylum be and he is hereby authorized and required to admit the said David Elder into the said asylum, under the same rules, regulations, terms and conditions as other inmates are admitted under existing laws.

MILTON MCCOY,
Speaker pro tem. of the House of Representatives.
 EMERY D. POTTER,
President pro tem. of the Senate.

Adopted February 13, 1874.

JOINT RESOLUTION

Relative to printing the reports of the Secretary of State.

Resolved by the General Assembly of the State of Ohio, That there be printed and bound in muslin, eleven thousand five hundred additional copies of the secretary of state's report for the year 1873, for the use of, and to be equally distributed among the members of the general assembly.

To determine what number of such copies shall be printed in the German language, it shall be the duty of the secretary of state to ascertain from each member of the senate and house what number of the reports he is entitled to receive, he wishes printed in the German language. The aggregate number so determined shall be the number authorized to be printed in German.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 18, 1874.

JOINT RESOLUTION

Relative to printing extra copies of H. B. No. 203.

Resolved by the General Assembly of the State of Ohio, That there be and there is hereby authorized to be printed for distribution among the members for circulation, six hundred extra copies of H. B. No. 203.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 19, 1874.

JOINT RESOLUTION

Authorizing the employment of a clerk by the select committee on the Central Lunatic Asylum expenditures.

Be it resolved by the General Assembly of the State of Ohio, That the special joint committee appointed to inquire into the expenditures, &c., in the construction of the Central Lunatic Asylum, be hereby authorized to appoint a clerk, and that his compensation shall be the sum of three dollars per day, said clerk to be subject to removal at the pleasure of the said committee, and they have power to appoint another clerk, and to remove at pleasure any clerk they may appoint, and appoint another in his place.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 19, 1874.

JOINT RESOLUTION

For the payment of the claim of Drusilla Roush.

WHEREAS, James Roush, late of Gallia county, Ohio, died December 24, 1870, a creditor of the State in the sum of seventy dollars, that amount having been allowed to him by the "Commissioners to examine claims growing out of the Morgan raid," for property taken by militia, and

WHEREAS, The above claim was included in an appropriation made by the General Assembly of Ohio, for the payment of property so taken, and now stands to the credit of said James Roush, and was never drawn or applied for by him in his life time, and

WHEREAS, The said Drusilla Roush is the widow of said James Roush, and is in advanced age and very indigent circumstances, and has never received any thing, not even the year's support from the estate of said James Roush, leaving no property to be administrated upon, there never has been any administrator appointed for said estate; therefore,

Resolved by the General Assembly of the State of Ohio, That the auditor of state be and he is hereby authorized and directed to draw his warrant in favor of said Drusilla Roush, for the said sum of seventy dollars, which be in full payment of the said amount of seventy dollars now in the treasury to the credit of said James Roush.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed February 26, 1874.

JOINT RESOLUTION

Appointing a committee to investigate matters relative to furnishing Stationery Supplies by the Secretary of State.

WHEREAS, The committee on accounts and expenses of the constitutional convention, recently made a report to the convention, which was explained by the chairman thereof, charging that the prices paid and charged by the secretary of state for stationery were extravagant and much higher than the price for which the same articles could be procured; and

WHEREAS, The convention directed the transmission of a copy of said report to the general assembly, thus calling attention to the statements of said committee and the chairman; and

WHEREAS, The secretary of state has, by communication addressed to the general assembly, demanded an investigation of the matters mentioned in said report; therefore be it

Resolved by the General Assembly of the State of Ohio, That a joint committee of two on the part of the senate, and three on the part of the house of representatives, be appointed, who are directed to investigate the subject matter of the report of the committee on accounts and expenses of the constitutional convention, and the statements of the chairman of said committee, made to the convention in explanation and support thereof, thus called to the attention of the general assembly, and make report thereon, and that the said joint committee have power to send for persons and papers.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed March 6th, 1874.

JOINT RESOLUTION

As to auditing the expenses incurred by committees of the two Houses of the General Assembly.

Resolved by the General Assembly of the State of Ohio, That all committees of this general assembly be and they are hereby respectively required to make accurately itemized accounts, which shall be signed by said committees, of any and all expenses incurred by them respectively in the discharge of their duties, which accounts shall be presented to the standing committee on claims of the house and senate, as the case may be, for examination and approval; and the auditor of state is hereby instructed to disallow and reject all claims for expenses so incurred, unless the same shall have been approved by the proper committee on claims as aforesaid.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 6th, 1874.

RESOLUTION

Relative to the exchange of Statutes.

WHEREAS, There is now owned by the state of Ohio over six hundred copies of Swan and Saylor's Statutes, a much larger number than are needed by the state until a revision of the statutes will take place; and

WHEREAS, The state does not own a sufficient number of Swan and Critchfield's Statutes for the use of the legislature and state departments; therefore,

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he hereby is authorized to exchange a sufficient number of the Swan and Saylor Statutes for Swan and Critchfield, as in his opinion shall be necessary to supply the general assembly and its committees.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed March 11th, 1874.

JOINT RESOLUTION

Relative to the death of Ex-President Fillmore.

WHEREAS, Intelligence has been received of the death of Millard Fillmore, ex-President of the United States; therefore, be it

Resolved by the General Assembly of the State of Ohio, That as a mark of respect to the deceased the flags on the state house be placed at half mast during the day of Thursday next, that being the time set for his funeral.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 16, 1874.

JOINT RESOLUTION

Directing the printing and distribution of the Laws of the 61st General Assembly.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be authorized and directed to have the general laws of this session of the legislature printed as soon as possible after enactment, in forms of sixteen pages, and that he cause five thousand copies of the same to be distributed as follows :

Ten copies to each member of the general assembly, and the remainder he shall distribute to the county auditors of the several counties of this state in proportion to their representation in the legislature, unless otherwise directed by the senators and representatives from such counties. Said copies to be furnished under existing contracts and out of the number now required to be printed by law.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 16, 1874.

JOINT RESOLUTION

Directing the delivery to the Agricultural and Mechanical College certain geological specimens in possession of the State Librarian.

Resolved by the General Assembly of the State of Ohio, That the state librarian be and he is hereby authorized and required to deliver to the president of the Ohio agricultural and mechanical college, to be placed in the proper department of said college, all mineral and geological specimens now in charge of said librarian, except such as are kept in the library room for exhibition.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 18, 1874.

JOINT RESOLUTION

Directing the employment of a clerk by a select committee.

Resolved by the General Assembly of the State of Ohio, That the joint select committee appointed to investigate the purchase of stationery by the secretary of state, be and they are hereby authorized to employ a clerk, at a compensation not to exceed three dollars per day for the time actually employed.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 16, 1874.

JOINT RESOLUTION

Determining on a day on which to adjourn. .

Resolved by the General Assembly of the State of Ohio, That this general assembly adjourn on Friday, the 27th day of March, 1874, at 10 o'clock A. M., to convene on Tuesday, the 1st day of December, 1874, at 2 o'clock P. M.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

JOINT RESOLUTION

Authorizing the Commissioners of the State Library to make improvements in the Library Room.

Resolved by the General Assembly of the State of Ohio, That the commissioners of the state library be and they are hereby authorized to use so much as may remain unexpended of the fund appropriated by an act of the general assembly entitled "An act relating to the state library," passed April 9, A. D. 1873 (O. L., Vol. 70, p. 117), as may be necessary to enlarge the sky-light over the state library room, and also to paint the walls of said library room, and to place rugs or a carpet on the floor of said room: Provided, the sum expended for the purposes aforesaid shall not exceed twenty-nine hundred and sixty-four $\frac{95}{100}$ dollars.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed March 30, 1874.

JOINT RESOLUTION

Expressing sorrow for the death of United States Senator Charles Sumner.

WHEREAS, Our country has, within the week passed, been deprived by death of two of its eminent statesmen, first an honored ex-president of the republic, rich in fame and ripe in years; and now, in the midst of his labors and usefulness, one of the most gifted and learned members of the United States Senate, who has been continuously a member of that body for a greater time than any of his surviving associates; and

WHEREAS, During all his senatorial career he has proved faithful and true to his convictions upon all the great questions of right, freedom and humanity; therefore

Resolved by the General Assembly of the State of Ohio, That the death of Charles Sumner, the great Massachusetts senator, is regarded by us as a national loss, for which the republic and every state thereof may well

mourn, and that as a mark of respect to his memory the flags of the capitol will be placed at half mast, and so remain until the 20th instant.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1874.

JOINT RESOLUTION

Authorizing the Secretary of State to distribute certain Reports.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby directed to have boxed up, at the state bindery, the geological survey reports and statistical reports to which the members of the general assembly are entitled, and ship the same to the address of the several members respectively; and the secretary of state is hereby directed to pay the charges for shipping the same out of the amount appropriated for the distribution of the laws, journals and public documents.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed March 30, 1874.

JOINT RESOLUTION

Rescinding S. J. R. No. 31.

Resolved by the General Assembly of the State of Ohio, That S. J. R. No. 31, providing for the adjournment of the general assembly on Friday, March 27, 1874, be and the same is hereby rescinded.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

EMERY D. POTTER,

President pro tem. of the Senate.

Passed April 4, 1874.

JOINT RESOLUTION

Fixing a day for Adjournment.

Resolved by the General Assembly of the State of Ohio, That this general assembly adjourn on Monday, the 20th day of April, 1874, at 10 o'clock A. M., to convene on the first Tuesday of December, 1874, at 10 o'clock A. M.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Adopted April 6, 1874.

JOINT RESOLUTION

Requesting the Constitutional Convention to print report of Joint Committee on Investigation.

Resolved, That the constitutional convention be requested by the general assembly of the state to publish, in the appendix to the report of said convention, the report of the joint committee of the senate and the house of representatives, upon the statement of Dr. Hill's committee on supplies for that body, implicating the integrity of Captain Wikoff, secretary of state.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed April 4, 1874.

JOINT RESOLUTION

Relative to the appointing of a committee to examine Cells, etc., of Penitentiary.

Resolved by the General Assembly of the State of Ohio, That a joint committee, consisting of two members of the house and one of the senate, be appointed, whose duty it shall be to inquire into the sanitary condition of the cells in the penitentiary, with a view of improving their condition; and also to inquire into the present system of convict labor in said prison, and to report to this body at its next session.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
EMERY D. POTTER,
President pro tem. of the Senate.

Passed April 4, 1874.

JOINT RESOLUTION

Relative to sums of money charged against the State for Arms, etc., during the late war.

WHEREAS, Large sums of money were charged against the state of Ohio for arms, etc., furnished during the late war, and other states equally populous had no charges made against them during the same period, and it is probable that error occurred in keeping the accounts with this state, which does great injustice to it, but which the ordnance department of the United States has no authority to correct. The principal, if not all the issue, which was made to this state during the war, was to it for the maintenance of the general government, and should have been charged as arms and stores issued to the volunteers of the United States, and not to the state of Ohio.

WHEREAS, The indebtedness of the state of Ohio to the general government for arms, etc., charged, is about one hundred and twenty-seven thousand dollars.

Resolved, That our senators and representatives in congress be requested

to use all honorable means to secure the passage of the bill introduced into the house of representatives, January 29th, 1872, entitled a bill making provision for arming and equipping the whole body of militia of the United States, and for other purposes, whereby the said indebtedness may be canceled.

Resolved, That the governor be requested to forward a copy of the above preamble and resolution to each of our senators and representatives in congress.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

JOINT RESOLUTION

Directing the binding of the Railroad Commissioner's Report.

Resolved by the General Assembly of the State of Ohio, That the supervisor of state printing be and he is hereby authorized and directed to have the 2,000 copies of the annual report of the commissioner of railroads and telegraphs, for the year 1873, the publication of which is authorized by law, bound in muslin and suitably lettered on the back, the same to be distributed in like manner as the said 2,000 copies are directed to be distributed by law.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Adopted April 15, 1874.

JOINT RESOLUTION

Relative to printing certain reports in the German language.

Resolved by the General Assembly of the State of Ohio, That there be printed fifteen hundred copies of the report of the state commissioner of common schools, for the year 1873, in the German language, to be distributed by the school commissioner among the counties with English copies in proportion to their German population, as near as can be.

MILTON MCCOY,
Speaker pro tem. of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Passed April 16, 1874.

JOINT RESOLUTION

Providing for the printing and distribution of the second volume of the final report of the Geological Corps of Ohio.

Resolved by the General Assembly of the State of Ohio, That there be printed of the second volume of the final report of the geological corps

of Ohio, twenty thousand copies, with such maps, plates and sections as are prepared to illustrate the report; the printing to be in the best style, on good paper, in royal octavo, and bound in muslin; the printing to be contracted for by the commissioners of printing, according to law, and accepted under the supervision of the governor, treasurer of state and the commissioner of common schools: two hundred and fifty copies for the geological corps, two hundred and fifty copies for the geological board, five hundred copies for the state library, and the remainder for this general assembly, to be divided equally among the members and sent to them as soon as printed and bound. To determine what number of such reports are to be printed in German, it shall be the duty of the secretary of state to ascertain from each member of this general assembly, also from the geological corps, geological board and state librarian, what number of the reports they are entitled to receive, they wish in the German language; the aggregate amount so determined shall be the number authorized to be printed in German, and they shall be distributed accordingly. That there shall be deposited in the township library in each county of the state of Ohio, one copy of this report, by the member representing the same in this general assembly at the time of their distribution.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Adopted April 18, 1874.

JOINT RESOLUTION

Directing the printing of the report of the Agricultural College.

Resolved by the General Assembly of the State of Ohio, That there be printed two thousand copies of the third annual report of the trustees of the Ohio Agricultural and Mechanical College, six hundred copies for the use of the board, and the remainder to be equally divided among the members of the general assembly.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Adopted April 18, 1874.

JOINT RESOLUTION

Directing the preparation of a Calendar of unfinished business.

Resolved by the General Assembly of the State of Ohio, That the clerks of the senate and house of representatives, forthwith on the adjournment of the present session of the general assembly, cause to be prepared a joint calendar of all the bills and joint resolutions pending in either branch at adjournment, showing the condition of each, and cause to be printed three hundred and fifty copies of the same, one copy to be forwarded to the address of each member of the general assembly by the

clerk of each house respectively, and one copy to be laid upon the desks of members at the adjourned session of the general assembly, and that each of said clerks be allowed a per diem of four days for said work, and that the presiding officer of each house certify to such compensation.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Adopted April 18, 1874.

JOINT RESOLUTION

Relating to the collection of damages by John Morgan's raid.

WHEREAS, Commissioners duly appointed under the laws of Ohio, to examine and investigate claims growing out of the Morgan raid, so called, in 1863, have investigated and allowed claims for damages sustained by citizens of the state of Ohio, to the amount of four hundred and thirty-nine thousand and sixty-nine dollars, for property taken and destroyed by the rebel forces (the most of which said property was afterwards recaptured by the union forces and retained for the use of the United States), one hundred and forty-three thousand six hundred and eleven dollars for property taken, damaged and destroyed by the union forces, and six thousand two hundred and fifty-seven dollars for property taken, damaged and destroyed by the forces under the command of officers of the state of Ohio (the most of which property was afterwards recaptured and retained for the use of the United States); therefore

Resolved by the General Assembly of the State of Ohio, That the senators in congress from the said state of Ohio be and they hereby are instructed, and the representatives in congress from said state be and they hereby are requested to institute, have and maintain such action and proceedings as will, if possible, secure the payment of said claims, mentioned in the foregoing preamble, from the government of the United States.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Adopted April 18, 1874.

JOINT RESOLUTION

Relative to the relief of T. F. and W. A. Jones, contractors.

WHEREAS, in a memorial presented to this general assembly, at its present session, by Thomas F. Jones and W. A. Jones, it is represented by the memorialists that, without fault on their part in the performance of certain contracts between "Day, Kinney and Winner," and the trustees of the central lunatic asylum for stone masonry, cut stone and brick work on the new lunatic asylum building, in process of construction at Glenwood near Columbus, assigned to memorialists, they have up to this time suffered large losses, and that it is equitable and just that the state should relieve them of such losses; and

WHEREAS, it is further alleged that the prices stipulated in said con-

tract to be paid by the state for said work and material, are inadequate, and are, and were at the making of said contracts, below the fair and reasonable prices and value thereof; and

WHEREAS, it is alleged that the rule of measurement of the work as prescribed in said contracts is unusual and unfair; therefore,

Resolved by the General Assembly of the State of Ohio, That the trustees of the above asylum are hereby authorized and required to take into consideration the facts herein stated, and if they find upon such investigation the said facts and the allegations set forth in said memorial to be true, to so amend said contract or contracts now existing between said Thomas F. Jones and W. A. Jones and the said trustees, as to allow to said contractors a fair and reasonable rule of measurement of the walls of said asylum building as is customary in the construction of buildings of a similar character in the state, and being such rule as was allowed in the construction of the new lunatic asylum building at Athens, such rule providing for the measurement of the hollow spaces in the walls, and the air flues as solid work. Any change made in the above contract or contracts, shall be only with the knowledge and consent of the contractors' sureties:

Provided, further, that the above relief hereby afforded shall be contingent upon the faithful performance and completion of the above contract or contracts, by the said contractors, that is, should said contractors fail to complete their work as they have agreed to do, then this resolution shall be void, otherwise in full force. The extra compensation resulting from this change in the rule of measurement, shall not, in the aggregate, exceed the sum of fifteen thousand dollars.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Adopted April 20, 1874.

JOINT RESOLUTION

Requiring the Directors, Trustees and Commissioners of State Institutions to make detailed quarterly Reports.

Resolved by the General Assembly of the State of Ohio, That the directors, trustees and commissioners of the educational, benevolent, reformatory and penal institutions of this state are hereby directed and required to hold a session of their respective boards on the first Tuesday in the months of March, June, September and December of each and every year, at which quarterly meetings each of said boards shall make out in writing and return to the governor of the state a full, accurate and detailed statement of all moneys received and paid out of each institution during the preceding three months up to and including the day upon which said report is made.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Adopted April 20, 1874.

JOINT RESOLUTION

Appropriating money to Mary and Ellen Waters.

WHEREAS, Mary Waters and Ellen Waters, from the 15th day of December, A. D. 1872, until the 28th of June, 1873, during the prevalence of the small-pox epidemic at the Southern Ohio Lunatic Asylum, near Dayton, were employed in constant, uninterrupted service as nurses of said small-pox patients, who numbered in all thirty-eight of the female patients of said asylum, and from the worst ward thereof, of which number thirteen died, and faithfully rendered, day and night, during said period of six months, without any relief or assistance whatever, except such as they were able to afford each other; and

WHEREAS, The trustees of said asylum, in the absence of any special provision for compensation for such extraordinary services, have not felt authorized to make adequate appropriation therefor; therefore

Resolved by the General Assembly of the State of Ohio, That the board of trustees of the Southern Ohio Lunatic Asylum be and they are hereby authorized to pay to said Mary Waters and Ellen Waters each the sum of nine hundred dollars full compensation for said services.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Adopted April 20, 1874.

JOINT RESOLUTION

Relative to printing copies of Agricultural Reports.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be authorized and required by law under and in accordance with a law passed March 24, 1860, to provide for the execution and supervision of the state printing and binding under the joint supervision of supervisor of state printing and the secretary of the state board of agriculture, to have printed and bound twenty thousand copies of the report of the state board of agriculture for the year 1873, and twenty thousand copies of the report for the year 1874, of which ten per cent. shall be printed in german, and the size of the type and mechanical execution to conform to the report of said board for the year 1872: Provided, that nothing shall be published in said reports except such matter as is authorized by law; not to exceed in size the report of 1872; three thousand copies of the report of 1873, and three thousand copies of the report of 1874, to be subject to the order of the state board of agriculture, for exchange and foreign distribution; seventeen thousand copies of the report of each of said years 1873 and 1874, the secretary of state shall apportion among the present members of the General Assembly, the number of german copies for each member to be determined by list to be furnished the said secretary of state by the committee on agriculture in each house, on which list shall be stated the names of members desiring german copies, and the number desired by each; said reports shall be boxed up and directed to the care of the county auditor in the counties in which they respectively reside; and it shall be the duty of said county auditor to notify the respective members within ten days after the receipt of said

reports, and if not removed by the person to whom directed, or on his written order within thirty days, then the reports are to be delivered by the auditor to the president of the county agricultural society for distribution. The charge for the transportation of the said reports, as well as the charges for boxes, shall be paid for in the same manner as is or may be provided by law for the distribution of the laws and journals.

GEORGE L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 20, 1874.

JOINT RESOLUTION

To provide for the publication of the Ohio State Reports.

Resolved by the General Assembly of the State of Ohio, That the secretary of state is hereby authorized to contract with some responsible person or firm, to furnish the material, print, bind and supply the state with three hundred and fifty copies of the twenty-fifth, and such other volumes of the state reports as may be ready for publication within two years from the 23d day of June, A. D. 1874, said contract to be made in accordance with the provisions and subject to the restrictions of section thirteen of an act entitled "an act relative to the appointment and duties of a reporter of the supreme court, and the proportion and distribution of reports of said court," passed April 23, 1872, and shall include the advanced sheets provided for in said section.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Passed April 20, 1874.

JOINT RESOLUTION

Directing the Secretary of State to take possession of certain plates, and [used] in the publication of Geological reports.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be authorized, and it is hereby made his duty, to take possession of and retain for the use of the state, all plates of maps, charts and other illustrations used in the publication and printing of the reports of the geological surveys of the state, under any of the laws and resolutions of the general assembly of the state of Ohio, and on the completion of the printing of volume two of said reports to take like possession of the plates used therein.

GEO. L. CONVERSE,

Speaker of the House of Representatives.

ALPHONSO HART,

President of the Senate.

Adopted April 20, 1874.

JOINT RESOLUTION

Authorizing the Secretary of State to distribute certain reports.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby directed to have boxed up, at the state bindery, the geological survey reports, and the statistical reports of the secretary of state, to which the members of the general assembly are entitled, and ship the same to the address of the several members respectively; and the secretary of state is hereby directed to pay the charges for shipping the same out of the amount appropriated for the distribution of the laws, journals and public documents.

GEO. L. CONVERSE,
Speaker of the House of Representatives.
ALPHONSO HART,
President of the Senate.

Adopted March 20, 1874.

ERRATUM—On page 10, third line from the top, a comma should be inserted after "dollar," at the end of the line.

OFFICE OF SECRETARY OF STATE,
Columbus, Ohio, May 12, 1874.

I hereby certify that the foregoing General and Local Laws and Joint Resolutions, are correctly copied from the original rolls on file in this office.

A. T. WIKOFF,
Secretary of State.

TIME FOR HOLDING COURTS IN OHIO IN 1874.

FIRST DISTRICT.

District Court.

Hamilton, April 6, October 5.

Common Pleas.

Hamilton, January 5, June 1, November 2.

SECOND DISTRICT.

District Court.

Butler, April 13; Clarke, March 30; Champaign, March 23; Clinton, April 27; Darke, May 11; Greene, April 6; Miami, March 16; Montgomery, April 3; Preble, April 24; Warren, May 8.

Common Pleas.

Butler, January 5, May 18, October 19.
Champaign, February 23, June 15, November 23.
Clarke, January 19, June 1, October 19.
Clinton, March 2, June 15, November 30.
Darke, January 5, June 1, October 19.
Greene, March 2, June 15, November 30.
Miami, January 5, May 18, October 19.
Montgomery, January 5, May 18, October 19.
Preble, February 23, June 1, November 16.
Warren, January 19, June 1, October 19.

THIRD DISTRICT.

District Court.

Allen, April 3; Auglaize, March 26; Crawford, April 4; Defiance, March 31; Fulton, March 25; Hancock, April 10; Hardin, March 23; Henry, March 30; Logan, August 3; Marion, April 7; Mercer, March 27; Paulding, April 1; Putnam, March 30; Seneca, April 13; Shelby, March 25; Union, March 17; Van Wert, April 2; Williams, March 24; Wood, March 26; Wyandot, April 2.

Common Pleas.

Allen, February 16, May 11, October 19.
Auglaize, March 2, May 25, October 13.
Crawford, January 5, May 4, September 1.
Defiance, January 19, April 27, September 23.
Fulton, February 24, May 12, October 20.
Hancock, January 26, May 18, October 5.
Hardin, February 24, June 2, November 3.
Henry, February 9, May 4, October 5.
Logan, April 7, June 16, November 24.

Marion, February 17, June 9, November 3.
 Mercer, February 16, April 27, November 9.
 Paulding, February 3, June 2, September 22.
 Putnam, January 26, April 20, September 6.
 Seneca, February 16, June 1, November 2.
 Shelby, January 13, June 9, September 23.
 Union, February 2, May 18, October 15.
 Van Wert, January 12, May 10, October 26.
 Williams, March 10, May 19, November 3.
 Wood, January 6, May 5, September 1.
 Wyandot, February 2, May 26, October 5.

FOURTH DISTRICT.

District Court.

Erie, April 1; Huron, March 23; Lucas, April 8; Sandusky, March 27; Ottawa, April 6; Lorain, August 24; Summit, August 31; Cuyahoga, September 7; Medina, August 27.

Common Pleas.

Erie, February 2, May 18, October 19.
 Cuyahoga, February 9, May 4, November 2.
 Huron, February 23, June 1, November 9.
 Lucas, February 2, May 4, October 19.
 Sandusky, January 19, April 20, October 12.
 Ottawa, January 12, May 4, October 5.
 Lorain, January 12, May 11, October 26.
 Medina, January 5, May 4, September 23.
 Summit, January 26, May 18, October 26.

FIFTH DISTRICT.

District Court.

Madison, April 22; Franklin, April 24; Pickaway, May 4; Fayette, May 7; Adams, April 14, September 2; Brown, September 4; Clermont, September 16; Highland, September 21; Ross, September 23.

Common Pleas.

Adams, January 13, May 12, September 29.
 Brown, January 27, May 12, October 20.
 Clermont, January 20, May 26, October 20.
 Highland, January 27, May 26, October 20.
 Ross, February 24, June 9, November 3.
 Fayette, February 24, June 16, November 18.
 Madison, January 13, April 7, September 1.
 Franklin, January 27, May 12, October 19.
 Pickaway, February 3, May 26, October 20.

SIXTH DISTRICT.

District Court.

Ashland, June 22; Coshocton, July 9; Delaware, June 29; Holmes, June 8; Knox, July 6; Licking, July 13; Morrow, June 25; Richland, June 15; Wayne, June 10.

Common Pleas.

Ashland, March 9, August 17, November 16.
 Coshocton, March 9, April 28, November 3.
 Delaware, March 23, August 31, November 23.
 Holmes, January 12, April 6, October 19.
 Knox, February 9, May 4, October 19.
 Licking, January 12, April 13, October 19.
 Morrow, February 9, May 11, October 19.
 Richland, April 6, September 14, December 7.
 Wayne, February 10, August 3, November 30.

SEVENTH DISTRICT.

District Court.

Athens, September 3; Fairfield, August 27; Gallia, April 16; Hocking, August 31;
 Jackson, September 9; Lawrence, April 20; Meigs, April 13; Perry, August 24; Pike,
 April 27; Scioto, April 23; Vinton, September 7; Washington, April 9.

Common Pleas.

Athens, March 23, June 11, November 16.
 Fairfield, March 9, June 8, November 9.
 Gallia, February 2, April 27, September 14.
 Hocking, February 16, May 25, October 19.
 Jackson, February, 23, May 25, October 12.
 Lawrence, January 27, May 5, September 22.
 Meigs, February 23, May 14, October 5.
 Perry, January 26, May 4, September 28.
 Pike, March 31, June 22, November 17.
 Scioto, March 2, June 1, October 19.
 Vinton, February 9, May 5, September 14.
 Washington, March 2, May 21, October 19.

EIGHTH DISTRICT.

District Court.

Belmont, October 2; Guernsey, September 3; Harrison, September 24; Jefferson
 September 28; Monroe, August 27; Morgan, September 16; Noble, August 31; Mus-
 kingum, September 8; Tuscarawas, September 21.

Common Pleas.

Belmont, February 23, May 25, November 9.
 Guernsey, January 13, April 21, October 14.
 Harrison, February 9, May 4, October 14.
 Jefferson, March 16, June 8, November 16.
 Monroe, February 3, May 12, October 20.
 Morgan, March 23, June 15, November 11.
 Muskingum, February 17, April 21, November 17.
 Noble, February 2, June 1, October 26.
 Tuscarawas, February 23, May 18, October 26.

NINTH DISTRICT.

District Court.

Ashtabula, April 20; Carroll, September 14; Columbiana, September 23; Geauga, April 17; Lake, April 13; Mahoning, September 28; Portage, April 9; Stark, September 17; Trumbull, April 1.

Common Pleas.

Ashtabula, February 16, June 1, November 23.
 Carroll, January 5, April 27, August 31.
 Columbiana, January 19, May 11, October 19.
 Geauga, January 5, April 27, October 19.
 Lake, January 26, May 11, November 2.
 Mahoning, January 5, May 4, October 19.
 Portage, January 5, May 4, October 19.
 Stark, February 9, June 1, November 9.
 Trumbull, February 2, June 1, November 16.

JUDICIARY.

JUDGES OF THE SUPREME COURT.

NAME.	RESIDENCE.	TERM.	
		Commenced.	Expires.
Luther Day, <i>Chief Justice</i> ...	Ravenna	February 14, 1870	February 8, 1875
Geo. W. Mellvaine, <i>Judge</i> ...	New Philadelphia	February 13, 1871	February 14, 1876
Walter F. Stone, <i>Judge</i>	Sandusky	February 25, 1873	February 12, 1877
John Welch, <i>Judge</i>	Athens	February 10, 1873	February 11, 1878
William White, <i>Judge</i>	Springfield	February 9, 1869	February 10, 1879

JUDGES OF SUPERIOR COURTS.

SUPERIOR COURT OF CINCINNATI.

NAME.	DATE OF COMMISSION.	TERM.	
		Commenced.	Expires.
Alfred Yaple	April 5, 1872	April 8, 1872...	May 4, 1874.
Timothy A. O'Connor	April 5, 1872	May 6, 1872...	May 6, 1877.
Myron H. Tilden	April 17, 1873	May 6, 1873...	May 5, 1878.

SUPERIOR COURT OF CLEVELAND.

S. O. Griswold	June 25, 1873	July 7, 1873....	July 1, 1878.
Gersham M. Barber	July 2, 1873	July 7, 1873....	July 1, 1878.
James M. Jones	July 5, 1873	July 7, 1873....	July 1, 1878.

SUPERIOR COURT OF MONTGOMERY COUNTY (DAYTON).

Thomas O. Lowe..... | November 7, 1870 ... | July 1, 1871... | July 1, 1876.

SUPERIOR COURT OF GREENE COUNTY (XENIA).

Joseph A. Sexton..... | April 8, 1871..... | May 1, 1871 ... | May 1, 1874.

JUDGES OF THE COURTS OF COMMON PLEAS—1873-1874.

District.	Sub-Div.	Counties.	Names and Post-Office.	TERM.	
				Commenced.	Expires.
No. 1	Hamilton ...	Manning F. Force, Cincinnati.	Feb. 12, 1872	Feb. 12, 1877
			Chas. C. Murdock, Cincinnati.	Feb. 12, 1872	Feb. 12, 1877
			Joseph Cox, Cincinnati	Feb. 12, 1872	Feb. 12, 1877
			Jacob Burnett, Cincinnati....	Nov. 6, 1871	Nov. 6, 1876
			Wm. L. Avery, Cincinnati ...	Nov. 6, 1871	Nov. 6, 1876
No. 2	1 {	Butler	David L. Meeker, Greenville ..	May 11, 1873	May 13, 1878
		Preble	Henderson Elliott, Dayton ...	Nov. 6, 1871	Nov. 6, 1876
		Montgomery.	William J. Gilmore, Eaton....	Feb. 12, 1872	Feb. 12, 1877
		Darke			
No. 2	2 {	Champaign ..	R. C. Fulton, Urbana	Nov. 24, 1873	Feb. 12, 1877
		Miami			
No. 2	3 {	Warren	James M. Smith, Lebanon.....	Feb. 12, 1872	Feb. 12, 1877
		Clinton	Moses Barlow, Xenia.....	Feb. 9, 1869	Feb. 9, 1874
		Greene			
		Clarke			
No. 3	1 {	Logan	Philander B. Cole, Marysville	Feb. 12, 1872	Feb. 12, 1877
		Union			
		Hardin			
		Shelby			
No. 3	2 {	Auglaize	James Mackenzie, Lima.....	Feb. 9, 1869	Feb. 9, 1874
		Allen	Ed. M. Phelps, St. Mary's	May 10, 1869	May 10, 1874
		Mercer			
		Van Wert ...			
No. 3	3 {	Putnam			
		Paulding	Alex. S. Latty, Defiance.....	Feb. 12, 1872	Feb. 12, 1877
		Defiance			
		Williams			
No. 3	4 {	Fulton			
		Henry			
		Seneca	James Pillars, Tiffin	May 4, 1873	May 4, 1878
		Hancock	Abner M. Jackson, Bucyrus ..	Feb. 12, 1872	Feb. 12, 1877
No. 4	1 {	Wyandot.....			
		Crawford....	Chas. E. Pennewell, Norwalk.	Oct. 28, 1869	Oct. 28, 1874
		Marion	Wm. A. Collins, Toledo.....	Feb. 14, 1870	Feb. 8, 1875
		Wood	Joshua R. Seney, Toledo	May 8, 1871	May 8, 1876
No. 4	2 {	Lucas	Wm. G. Lane, Sandusky	Nov. 8, 1873	Feb. 12, 1877
		Ottawa			
		Sandusky ..			
		Erie			
No. 4	2 {	Huron	Samuel W. McClure, Akron...	May 1, 1871	May 1, 1876
		Lorain	Wash. W. Boynton, Elyria....	Feb. 12, 1872	Feb. 12, 1877
		Medina			
No. 4	2 {	Summit			

COMMON PLEAS JUDGES—Continued.

District.	Sub-Div.	Counties.	Names and Post-Office.	TERM.	
				Commenced.	Expires.
No. 4	3	Cuyahoga ..	{ Darius Cadwell, Cleveland	Feb. 9, 1874	Feb. 10, 1879
			{ Samuel R. Prentiss, Cleveland ..	Feb. 12, 1872	Feb. 12, 1877
			{ Robert F. Payne, Cleveland ..	May 3, 1869	May 3, 1874
No. 5	1	Clermont...	{ Thos. Q. Ashburn, Batavia	Feb. 12, 1872	Feb. 12, 1877
		Brown	{ David Tarbell, Georgetown	June 6, 1871	June 6, 1876
		Adams			
No. 5	2	Ross	{ Samuel F. Steele, Hillsboro ...	Feb. 12, 1872	Feb. 12, 1877
		Highland ..	{ Thos. M. Gray, Washington C.H.	Feb. 9, 1874	Feb. 10, 1879
		Fayette			
No. 5	3	Pickaway ..	{ John L. Green, Columbus	Feb. 12, 1872	Feb. 12, 1877
		Franklin ...	{ Ed. F. Bingham, Columbus	May 11, 1873	May 13, 1878
		Madison			
No. 6	1	Licking	{ Chas. Follet, Newark	Feb. 12, 1872	Feb. 12, 1877
		Knox	{ John Adams, Mt. Vernon	Feb. 12, 1872	Feb. 12, 1877
		Delaware ..			
No. 6	2	Morrow	{ Judson A. Beebe, Mansfield ...	Feb. 9, 1874	Feb. 10, 1879
		Richland ...	{ Darius Dirlam, Mansfield	Feb. 12, 1872	Feb. 12, 1877
		Ashland			
No. 6	3	Wayne	{ Wm. Reed, Millersburg	Feb. 12, 1872	Feb. 12, 1877
		Holmes			
		Coshocton ..			
No. 7	1	Fairfield....	{ Silas H. Wright, Logan	Feb. 12, 1872	Feb. 12, 1877
		Perry			
		Hocking....			
No. 7	2	Jackson	{ J. J. Harper, Portsmouth	Feb. 12, 1872	Feb. 12, 1877
		Vinton	{ Porter DuHadway, Jackson C.H.	Feb. 9, 1874	Feb. 10, 1879
		Pike			
		Scioto			
		Lawrence ..			
No. 7	3	Gallia	{ T. A. Plants, Pomeroy	July 6, 1873	July 6, 1878
		Meigs	{ Erastus A. Guthrie, Athens	Feb. 12, 1872	Feb. 12, 1877
		Athens			
		Washington.			
No. 8	1	Muskingum.	{ F. W. Wood, McConneleville..	Aug. 3, 1869	Aug. 3, 1874
		Morgan	{ Wm. H. Frazier, Caldwell	Feb. 12, 1872	Feb. 12, 1877
		Noble	{ Lucius P. Marsh, Zanesville ...	Aug. 3, 1874	Aug. 4, 1879
		Guernsey ...			
No. 8	2	Belmont....	{ R. E. Chambers, St. Clairsville	Feb. 12, 1872	Feb. 12, 1877
		Monroe			
No. 8	3	Jefferson ...	{ John H. Miller, Steubenville ..	Feb. 12, 1872	Feb. 12, 1877
		Harrison			
		Tuscarawas.			

COMMON PLEAS JUDGES—Continued.

District.	Sub-Div.	Counties.	Names and Post-Office.	TERM.	
				Commenced.	Expires.
No. 9	1	Stark Carroll Columbiana..	} Joseph Frease, Canton	Feb. 12, 1872	Feb. 12, 1877
No. 9	2	Trumbull... Portage Mahoning ..	{ Philo B. Conant, Ravenna Chas. E. Glidden, Warren	Feb. 9, 1874 Feb. 12, 1872	Feb. 10, 1879 Feb. 12, 1877
No. 9	3	Geauga..... Lake Ashtabula..	} Milton C. Canfield, Chardon ..	Feb. 12, 1872	Feb. 12, 1877

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